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2340 Introduction to Reach Up Services Component

In May 2000, when the legislature enacted Act 147, an “Act Relating to Assisting Families to Attain Self-Sufficiency” it expanded the existing services program into the current program which incorporates financial assistance and program services into one program. The Reach Up Program created by Act 147 assists families to attain self-sufficiency by fully integrating the financial assistance and services components of the program. A family cannot receive financial assistance unless the adult members are moving toward the goal of self-sufficiency by participating in the services program to their full ability.

The Reach Up services component consists of case management services, support services, and referrals provided in a structured way to eligible families to assist them in becoming self-sufficient. Requirements for participation in the services are linked to the individual adult’s needs and abilities. Adults’ capabilities are determined by assessments that consider the person’s strengths as well as areas of need. The program utilizes a case management approach in which a participant, in partnership with the case manager, creates an individualized plan for the family’s self-sufficiency. All participants must be working toward their employment goal.

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2341 Definitions

The following definitions apply to the terms used in the rules for the Reach Up services component.

- (1) “Able-to-work” means to be free of any physical, emotional, or mental condition that would prevent the individual from engaging in any allowable and countable combination of the work activities for at least 35 hours per week.
- (2) “Able-to-work-part-time” means having a physical, emotional, or mental condition that would allow the individual to engage in any combination of the work activities for at least 10 hours per week but would prevent the individual from engaging in such activities for 35 or more hours per week.
- (3) “Adult” means an individual age 18 or older who is not a dependent child; or an individual under age 18 who is either pregnant or the parent of a dependent child.
- (4) “Assessment” means the information-gathering process, carried out by the department’s established protocol, that identifies an individual’s skills, aptitudes, interests, life and work experience, and barriers and the determination of how these factors relate to the individual’s family responsibilities and current or potential participation in the labor force.
- (5) “Barrier” means any physical, emotional, or mental condition; any lack of an educational, vocational, or other skill or ability; any lack of transportation, child care, housing, medical assistance, or other services or resources; domestic violence circumstances; caretaker responsibilities; or other conditions or circumstances that prevent an individual from engaging in employment or other work activity.
- (6) “Caretaker” means an individual, other than a parent, age 18 or older who is fulfilling a parental role in caring for a dependent child by providing physical care, guidance, and decision-making related to the child’s health, school, medical care, and discipline.
- (7) “Case management” means the services provided by or through the department to participating families, including assessment, information, referrals, and assistance in the preparation and implementation of a family development plan.
- (8) “Commissioner” means the commissioner of the Vermont Department of Prevention, Assistance, Transition, and Health Access, or the commissioner’s designee.
- (9) “Department” means the Vermont Department of Prevention, Assistance, Transition, and Health Access (PATH).

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2341 Definitions (Continued)

(10) “Domestic violence” means any of the following acts, if committed by a family or household member:

- physical acts that resulted in, or threatened to result in, physical injury to the individual;
- sexual abuse;
- sexual activity involving a dependent child;
- being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
- threats of, or attempts at, physical or sexual abuse;
- mental or emotional abuse; or
- neglect or deprivation of medical care.

For the purposes of this definition, household members are persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. Dating means a social relationship of a romantic nature.

(11) “Family development plan” (FDP) means the written plan, developed by the case manager with the involvement of the participating family, that charts the family’s participation in the services component of Reach Up.

(12) “Homeless” means lacking a fixed and regular nighttime residence or living in one of the following as a primary nighttime residence:

- a supervised shelter designed to provide temporary accommodations, such as a welfare hotel or congregate shelter;
- a halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
- a temporary accommodation, for not more than 90 days, in the residence of another individual; or
- a place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings, such as a hallway, bus station, lobby, or similar place.

(13) “Participant” means an adult or out-of-school youth who is a member of a participating family.

(14) “Participating family” means an eligible family that participates in the Reach Up program.

(15) “Primary caretaker parent” means the parent in a two-parent family with two able-to-work parents whose primary role is to care for the children.

(16) “Principal-earner parent” means the parent in a two-parent family with two able-bodied parents whose primary role is breadwinner.

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2341 Definitions (Continued)

- (17) “Reach Up services” means the services including case management services, support services, and referrals provided to participating families to help them become self-sufficient.
- (18) “Subsidized job” means a job for which at least 25 percent of the wages are provided by Reach Up funds.
- (19) “Temporary Assistance to Needy Families” (TANF) means the block grant provided to this state and established in accordance with Part A of Title IV of the federal Social Security Act, as amended, and the regulations promulgated pursuant thereto by the United States Secretary of Health and Human Services.
- (20) “Unable-to-work” means not able-to-work and not able-to-work-part-time.
- (21) “Work activities” means the activities described at 2364.
- (22) “Work-ready” means an adult is not subject to a barrier and is capable of participating in a single work activity or combination of work activities for the number of hours needed to meet the work requirement.

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2350 Case Management

The commissioner shall provide Reach Up services to participating families through a case management model. Using case management, the department will provide participating families with services, including assessment, information, referrals, and assistance in the preparation and implementation of a family development plan (FDP), with the goal of helping the family achieve self-sufficiency. A case manager shall be assigned to each participating family as soon as the family begins to receive financial assistance.

2350.1 Caseload Size

To ensure quality of service, the department shall limit case managers' caseload size in a manner that is consistent with research on best practices. A full-time Reach Up program case manager whose duties do not include financial eligibility and benefit determination shall not, at any time, be responsible for more than 80 active cases. The maximum caseload for a case manager whose duties include financial eligibility and benefit determination shall be modified consistent with the mix of financial eligibility and benefit determination and case management responsibilities assigned. These caseload maximums apply to caseloads in which the families assigned to an individual case manager have varying needs for case management support—some high, some moderate, and some low.

2350.2 Notification

At the time of application for financial assistance and at the time of any redetermination of eligibility, the commissioner will provide each Reach Up participating family with information about the requirement that adults participate in the services component of Reach Up. During the time a family is participating in the financial assistance component, the department shall keep adults informed of factors that affect their required participation in the services component.

The actual services component requirements adults must fulfill depend upon their participation status in the services component. The participation status is determined by the family composition, the capabilities and needs of the participant, and the participation phase to which the adult is assigned (2360.2). The department shall notify all applicants and participants, in writing, of the following:

- the individual's participation status;
- a change in participation status;
- the rights and responsibilities associated with the participation status;
- the availability of deferments and modifications to the work requirement;
- the potential sanction for noncooperation;
- the right to request conciliation; and
- the right to a fair hearing for participants who do not agree with the status determination.

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2350 Case Management

2350.3 Assessment

All participants shall cooperate in an initial assessment and, if appropriate or necessary, reassessments. The assessment may include tests, other standardized evaluations, and referrals to professionals for evaluation or diagnosis.

The assessment shall include, but is not limited to, the following:

- identification of the individual's skills, aptitudes, interests, and life and work experience;
- determination of whether the individual has limitations and barriers and, if there are barriers or limitations, a determination of how these factors relate to the individual's current or potential participation in the labor force and to the individual's family responsibilities;
- literacy evaluation;
- determination of the individual's ability to work, including the ability to participate in the various work activities; and
- determination of what services are needed to achieve the employment goal.

2350.4 Case Management Responsibilities

Case management responsibilities in regard to a particular family may begin as early as the family's application for financial assistance (2360.21) and continue until the family is no longer eligible for case management services. Case management responsibilities include, but are not limited to, the duties and tasks specified in sections 2360.24 and 2361.

Once the employment goal and plan of services and activities are incorporated into the FDP, the case manager shall have regular contact with the participant to ensure that the individual is meeting the services component requirements and is progressing in compliance with the plans and schedules included in the FDP.

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2351 Support Services to Participating Families

Support services are services needed by the family to improve the participant's prospects for job placement and retention. The department shall determine the full range of support services needed by each family and include the service plan in the family development plan (FDP). Some support services are provided directly by the department, and others are provided by other entities (2351.2). Under limited circumstances, the department may pay for services that the participant cannot obtain without cost from existing programs (2351.4).

2351.1 Relationship of Support Services to Assessment and the FDP

The department determines the support services needed by each family based upon the results of the assessments of the participants. Utilizing the assessment results, the case manager and the participant develop the FDP, including a schedule and plan of services that address the family's needs. Whenever the FDP is modified, the case manager shall reassess the family's needs for support services. The support services needed are those that are linked to the family members' accomplishment of their FDP requirements (2362) and their employment goal. Support services may be provided for a period of six months after participants have begun to meet their full work requirement through unsubsidized work. Individuals may be eligible for services within this period, subject to program regulations, even if they no longer receive Reach Up financial assistance due to employment.

If the successful completion of the FDP requires a support service that is unavailable, the individual must cooperate with the case manager in developing an alternative FDP for which the necessary support services are available at a cost that does not exceed the limits established for the program.

Support services will be considered unavailable if:

- the service cannot be obtained within an hour's commute of the participant's residence; or
- the service is only available at a cost to the department, and the department does not provide funding for the service for reasons allowable under these rules.

The department does not guarantee:

- the availability of funds for the purchase of services or commodities; or
- the availability of services or commodities in the community at the price established to enable the program to serve all participants.

2351.2 Support Services Providers

The department may provide support services directly, may refer participants to other programs for services, or may pay for services from other entities. The department shall refer participants to any existing programs that provide the needed services at no cost to the family or department. Under certain circumstances, the department may purchase services that are not available without cost, as long as the expenditure is within established spending limits.

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2351.3

2351 Support Services to Participating Families

2351.3 Types of Support Services

Subject to fiscal limitations, the department shall provide or shall refer individuals to other providers for the following types of services, when needed by the participant to achieve the goals of the FDP.

1. appropriate child care, available at times that will enable employment or participation in activities included in the participating family's FDP;
2. transportation that will enable employment or participation in activities included in the participating family's FDP;
3. career counseling, education, training, and job search assistance, consistent with the purposes of the Reach Up Program;
4. vocational rehabilitation;
5. medical assistance;
6. homelessness prevention and housing assistance;
7. family planning education and counseling;
8. assistance with obtaining documentation of an apparent or claimed physical, emotional, or mental condition that reasonably can be presumed to limit or eliminate the individual's capacity to engage in employment or other work activity; and
9. any other services identified in the FDP and determined by the commissioner to be necessary and appropriate to achieve the purposes of the Reach Up Program.

2351.4 Payment for Support Services

The department's payment for an authorized support service depends upon whether the service is available to the participant through another program and, if the other program does not provide the service at no cost, whether payment for the service is allowed by the department as established by the Reach Up Program's support services matrix. The matrix represents established annual maximum spending limits for specified support services items. Limitations on payments for support services expressed in this section of policy are in reference to the department's support services matrix. Before the department will pay for the services, participants must pursue the services or funding for the services from other programs that offer access to the service.

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2351 Support Services to Participating Families

2351.41 Payment for Support Services Through Other Programs

The department will not pay for or supplement the payment for a service or expense available through other Agency of Human Services (AHS) programs unless otherwise stated in this policy. A Reach Up participant eligible for a needed support service available through another program must first seek the service through that other program.

Participants covered by Medicaid, the Vermont Health Access Plan (VHAP), health insurance, or health care assistance through any other providers shall obtain medical assistance through these programs. Most child care assistance shall be provided through the SRS child care subsidy program (2352).

2351.42 Payment for Support Services by the Department

Subject to maximum amounts established per participant, the department may pay for support services that the family needs but cannot access through any other program. When the department pays for the support service, it may issue the payment to the participant or to the provider of the service. The Reach Up case manager will determine the appropriate method of payment. Reach Up participants shall be required to provide written documentation of their receipt of a support service and its cost. Authorization for payment of the service shall be contingent on the department's receipt of the documentation.

The department shall not provide Reach Up participants with medical services using TANF funds.

2351.5 Criteria for Purchase of Support Services

The department's funding for the purchase of support services is limited by the type of service and the circumstances related to the need for the service. Within the limits established in the support services matrix, the department may pay for specific services, subject to the following conditions.

1. Child Care

Child care assistance is generally provided by the child care subsidy program of the Vermont Department of Social and Rehabilitation Services (SRS) (2352), but PATH may pay for child care in the situations specified in section 2352.3.

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2351 Support Services to Participating Families

2351.5 Criteria for Purchase of Support Services (Continued)

2. Transportation and Related Costs

The department may reimburse Reach Up participants for travel to and from a countable work activity or other FDP-approved activity directly related to attainment of the employment goal as long as the participant is not paid subsidized or unsubsidized wages for engaging in the activity. Such reimbursements are subject to a maximum amount per participant over an established time period. Reimbursement for mileage does not require documentation of its cost.

When no other alternative is available, a participant may be authorized to use the Medicaid transportation system on a temporary basis to enable the individual to travel to and from an approved activity other than subsidized or unsubsidized employment.

The department may reimburse participants for transportation to and from a wage-paying work activity or job when all of the following conditions are met:

- The participant has no other means of paying for such transportation.
- Without such reimbursement, the participant would be unable to retain the job or wage-paying work activity.
- During the past month, the participant has documented the use of an amount equal to the amount deducted or disregarded from earnings in the calculation of the family's assistance grant to pay for employment expenses and one or more extraordinary nonrecurring expense incurred due to circumstances beyond the participant's control.
- Such reimbursement is for a period of no more than two weeks.
- The recipient has not already received such reimbursement during the current state fiscal year.

The department may also reimburse participants for travel to and from a wage-paying work activity or job until they receive their first paycheck.

When a participant must use or plan to use a personal vehicle belonging to the participant or a member of the participant's immediate family to get to an FDP activity or to employment, the department may authorize payment of the following expenses related to the participant and the personal vehicle: a driver's license, required vehicle insurance, vehicle registration, and repairs necessary to make the vehicle operable and pass inspection.

Out-of-state travel shall be authorized only for approved program activities that take place out of state or for out-of-state job interviews. Such authorizations are subject to established maximum amounts.

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2351 Support Services to Participating Families

2351.5 Criteria for Purchase of Support Services (Continued)

3. Education and Training Expenses

When a participant has been determined eligible for financial aid from the Vermont Student Assistance Corporation and can demonstrate the ability to cover tuition costs, the department may authorize payment for books and supplies needed to participate in one or more of the following activities:

- vocational education;
- job skills training;
- basic education directly related to employment; or
- for parents considering pursuit of a two- or four-year postsecondary degree, a “try-out” course included in the participant’s FDP.

In addition, the department may authorize payment of registration, lab, testing, and other mandatory fees.

Within spending limits, the department may authorize payment for some or all of the tuition for the activities specified above when one or both of the following conditions are met:

- The payment requested is for tuition in excess of financial aid limits on nondegree tuition (e.g., tuition for a commercial driver’s license).
- Financial aid for nondegree tuition has been exhausted.

Authorization of payment for tuition in any other situation shall be authorized only when no employment goal can be pursued without the need for tuition and only with the approval of the Welfare-to-Work Programs Director or designee.

4. Work-Related Equipment

The department may authorize payment up to established maximum amounts for equipment necessary for an individual to accept or continue employment.

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2351 Support Services to Participating Families

2351.5 Criteria for Purchase of Support Services (Continued)

5. Clothing

Subject to maximum amounts, the department may authorize the purchase of clothing necessary for a job interview and uniforms, work shoes, or other wearing apparel specifically required for employment. In addition, payment for haircuts and styling may be authorized for the same reasons and with the same limitation as to maximum amounts.

6. Relocation Costs

The department may authorize payment of relocation costs only when a Reach Up participant makes a permanent move necessary for the individual to participate in an FDP activity or to accept or continue employment. Relocation costs are limited to costs attributable to rental of a motor vehicle and related equipment needed to move household furnishings and equipment and other personal effects. If an alternative relocation method costs no more than the rental of a motor vehicle and related equipment, as described above, the alternative method may be authorized.

7. Temporary Housing

The department may authorize payment for temporary housing when it is necessary to enable a Reach Up participant to accomplish the following:

- participate in an FDP activity;
- attend a job interview at a great distance from the participant's residence; or
- search for permanent housing when a permanent move is necessary for the individual to participate in an FDP activity or accept or continue employment.

Only the Welfare-to-Work Programs Director or the director's designee may authorize temporary housing, and such authorization is subject to maximum amounts.

8. Other Support Services

Authorization of payment for support services not specified above requires the approval of the Welfare-to-Work Programs Director or the director's designee on a case-by-case basis.

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2352 Child Care Assistance

Child care assistance is available through the child care subsidy program of the Vermont Department of Social and Rehabilitation Services (SRS). After determining that a participant qualifies for the service, the Reach Up case manager shall refer the participant to the local child care subsidy specialist for assistance.

Participants eligible for child care services (2352.1) may choose either a regulated or a legally exempt child care provider who meets the requirements of the SRS subsidy program. Participants who need assistance in identifying available child care providers or need information or counseling that will assist them in making an informed choice among available child care providers shall be referred to the local child care referral specialist.

2352.1 Basic Eligibility Criteria

Adults who are participating in FDP activities, employed, or self-employed are eligible for child care assistance, subject to all of the following conditions.

1. The child care is necessary to enable a participant to accept or retain employment or self-employment, or participate in an approved Reach Up activity and neither parent is available and able to provide the necessary care. Child care benefits are not allowed for child care required by unpaid volunteer work unless such volunteer work is related to the individual's employment goal and is an approved program activity included in the FDP.
2. The hours for which child care assistance is requested are reasonably related to a participant's hours of employment or self-employment, or to an approved Reach Up activity. In two-parent families where the parents are not sharing the work requirement, the hours of child care requested by the primary caretaker parent shall be limited to no more than 12 cumulative months, unless the primary caretaker parent is participating in approved activities leading to an employment goal.
3. The participating family makes its need for child care assistance known to PATH or SRS and provides information about its income, the child requiring care, and the provider of care.
4. The child requiring care is a member of the Reach Up financial assistance group or a child who is not a member of the group solely because of receiving SSI/AABD or foster care benefits under Title IV-E.

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2352 Child Care Assistance

2352.1 Basic Eligibility Criteria (Continued)

5. The child requiring care fits within one of the following groups:

- under the age of 13;
- at least 13 but under the age of 19, eligible for special education services in accordance with an individualized education plan (IEP) or 504 plan, and not capable of providing safe self-care as verified by the written report of a physician or licensed psychologist;
- at least 13 but under the age of 19 with a documented physical, emotional, or behavioral condition that precludes the child from providing self-care or being left unsupervised, as verified by the written report of a physician or licensed psychologist; or
- at least 13 but under the age of 19 and under court supervision.

6. The provider of care is:

- licensed, registered, or certified legally exempt by SRS;
- exempt from licensing or registration regulation under 33 V.S.A. 3502 (b);
- a town or school summer youth recreation program with hours that enable the child's parent or other caretaker to engage in FDP activities;
- awaiting legally exempt child care (LECC) certification from SRS; or
- licensed, registered, or exempt under the law of the jurisdiction in which the child care is provided, if the provider is not located in Vermont.

7. The child care provided takes into account the individual needs of the child and is appropriate to the age and special needs of the child, and the location of care is reasonably accessible to the child's home or school or the participant's place of employment or training.

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2352 Child Care Assistance

2352.2 Allowable Child Care Expenses

Child care assistance is allowable in the following circumstances.

1. For a participant waiting to begin employment, self-employment, or an approved Reach Up activity, child care assistance may begin up to two weeks before the employment or Reach Up activity begins. If necessary to secure a child's slot in a child care facility, child care assistance may begin up to 30 days before the employment or Reach Up activity begins.
2. Child care assistance may continue for up to 30 days after the end of a Reach Up activity when necessary to maintain a child's slot in a child care facility and the participant is scheduled to begin another activity within that period.

If a participant is employed and is temporarily laid off, care may continue for up to 30 days if the participant is expected to resume employment or begin participation in an approved Reach Up activity during the 30-day period.

3. During the 12-month period immediately following a self-employed participant's work-ready date, the case manager shall approve child care hours sufficient to cover the participant's applicable work requirement plus the hours needed to engage in any additional required FDP activities, including the travel time to and from such activities. After that 12-month period, the availability of child care for a self-employed participant shall be determined in accordance with SRS child care regulations.

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2352 Child Care Assistance

2352.3 Payment Rate

The payment rate for allowable child care expenses shall be set by SRS.

SRS will pay the child care provider except in the following situations, where PATH will pay the provider:

- If SRS denies an application for legally exempt child care (LECC) certification filed by a participant's provider, PATH will pay the expenses for up to three weeks of child care furnished by that provider during the period that SRS was considering the provider's application for LECC certification.
- For short-term, sporadic, or generally nonrecurring Reach Up activities, including assessment, orientation, job readiness activities, or job search, PATH will pay \$10 a day per child for child care for children under 13, limited to 20 days of care per provider. These \$10 per day payments will be made only to providers who are ineligible for child care reimbursement from SRS. For payment of additional days of care, the provider may apply to SRS for LECC status.

This allowance for child care may cover children 13 and older if the child meets the basic eligibility criteria at 2352.1 for children of that age, the allowance is approved by the Reach Up supervisor, and the need is documented in the file.

- When the hours enable the adult to participate in an FDP activity, PATH may pay up to \$200 per child taking part in town or school summer youth recreation programs for six to eight weeks. PATH will provide payment for these types of summer camps only.

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2353 Incentive Payments

The department may offer incentive payments to encourage participants to achieve goals required by their FDPs. The department offers incentive payments for participants to complete specified tasks leading to achievement of an FDP requirement, such as parenting (2353.1) and secondary education for teen parents (2353.2).

2353.1 Parenting Education Incentive

Incentive payments are available to parents who successfully complete parenting education classes or volunteer activities related to improving parenting skills. These activities must be linked to the achievement of a goal in the parent's family development plan related to enhancing parenting skills.

Incentives may range from \$20 to \$100, depending on the length of time involved and the level of difficulty the completed activity represents for the parent. The specific amount of the incentive will be at the discretion of the case manager based on the definition of the goal in the FDP.

Successful completion will be defined by the agency or organization sponsoring the activity, and approved by the case manager.

Over a lifetime, the parent may receive no more than \$300 in such incentive payments, in any of the allowed amounts.

2353.2 Teen Parent Education Incentive

Financial incentive payments are available for parents who are age 16 through 19 and have not completed secondary education. These payments are designed to encourage teen parents who may be having difficulty completing the requirements for a high school diploma or its equivalent to pursue completion of their secondary education. To qualify to receive an incentive payment, the teen parent must be in compliance with all Reach Up Program requirements.

Reach Up teen parents participating in an education plan that includes these incentive payments are eligible to receive a lifetime maximum of \$500 in a series of predetermined payments ranging from \$10 to \$200, depending on the task completed. The tasks must be specifically documented in the individual's education plan and lead to the attainment of a high school diploma or equivalent. The diploma must be awarded through Vermont-certified education providers.

The Reach Up case manager shall determine the amount of the incentive based on the need for the incentive as a motivating tool and the length of time required for the student to achieve the secondary education goal. Not all students will receive the full \$500.

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2360 Participation in the Services Component

Participation in the services component is mandatory for all adults who are applicants for or participants in the financial assistance component. Required participation in the services component begins with the application for financial assistance and continues until the adult is no longer participating in the financial assistance component. Participation in the services component is a progression defined by the component's participation phases (2360.2).

As long as they participate in the financial assistance component, all adults, including minor parents, are subject to the services component requirements. Participants who fail to comply with these requirements without good cause (2370.3) shall be subject to fiscal sanction (2372) in the form of a reduction of the family's financial assistance grant.

Youth 16 or 17 years old who are not attending school fulltime are also required to participate in the services component (2362.3).

2360.1 Services Component Participation Requirements

All service component requirements must be specified in the family development plan (2361). Generally, these requirements include, but are not limited to, reporting and cooperation requirements (2362.11), family development plan requirements (2362), and work requirements (2363). Services component requirements will vary depending on the individual's abilities and needs, but all adult participants with a work requirement must engage in work activities (2364) as soon as they can. Early participation in work activities is essential to the accomplishment of these program objectives:

- providing families with the opportunities and skills necessary to reduce or end their dependence on Reach Up financial assistance through work;
- preserving the program's federal funding at current levels by ensuring Vermont's compliance with the federal work participation rates; and
- limiting the amount of future state funding required to provide assistance to families beyond the 60-month limitation on each family's receipt of federal TANF assistance.

2360.2 Participation Phases

Adults move toward work and independence from financial assistance by progressing through the phases of the services component. There are four phases of the component: the application phase, the pre-work-ready phase, the work-ready phase, and the employment phase.

Participation in each of the second and third phases is limited to 12 cumulative months for each adult during a lifetime (2360.25). Not all adults will spend 12 months in each of these phases, however; many will spend only a short time in them, and some will skip the work-ready phase. The time it takes to progress through the pre-work-ready phase and the work-ready phase will vary depending on the participant's needs, abilities, and employment goal. Any full calendar month for which an adult

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2360 Participation in the Services Component

2360.2 Participation Phases (Continued)

receives Reach Up financial assistance is counted toward the 12-month limit for the phase to which the adult is assigned as of the first day of the month, even if the work requirement is deferred or modified.

2360.21 Application Phase

Applicants begin their participation in the Reach Up Program's services component when they submit their application for Reach Up financial assistance. At that time, the applicant must agree to meet with the case manager at a scheduled time directly after being found eligible for Reach Up financial assistance. During this phase some applicants will be required to report to the Department of Employment and Training or other organizations and to cooperate with job search and activities related to job search. As soon as applicants begin participating in the financial assistance component, they must proceed to the pre-work-ready phase of the program.

2360.22 Pre-Work-Ready Phase

During the pre-work-ready phase, adult participants receiving Reach Up financial assistance must meet with their case manager to begin the assessment process, set an employment goal, and develop their FDP. No later than 30 days following the participant's first meeting with the case manager, these planning activities must be completed to a degree that allows appropriate assignment to a participation phase according to the criteria in 2360.25. In the case of participants previously assigned to a later phase, these planning activities will start with a review of the participant's previous assessment, employment goal, and FDP.

The following participants will be expected to begin meeting their work requirement as soon as they have their first meeting with the case manager:

- principal-earner parents;
- parents choosing to share the work requirement; and
- participants previously assigned to the work-ready phase or the employment phase during a prior period of receipt of financial assistance.

All other participants shall be expected to participate in countable work activities consistent with the employment goal to the extent they are capable prior to assignment to a participation phase.

Following assignment to the pre-work-ready phase, participants shall engage in FDP-approved activities designed to increase the number of hours they can participate in countable work activities. During this phase, they shall engage in countable work activities to the extent they can. As appropriate, case managers shall refer pre-work-ready participants to vocational rehabilitation or other service providers to address their limitations and barriers.

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2360.22 P.2

2360 Participation in the Services Component

2360.2 Participation Phases

2360.22 Pre-Work-Ready Phase (Continued)

The participant who has increased participation in countable work activities during the pre-work-ready phase to the extent that the work requirement is met shall move to the work-ready phase immediately. Unless granted an extension (2363.14), any adult participant who has not advanced to the work-ready phase after having received 12 cumulative calendar months of financial assistance (2360.25) shall be work-ready on the first day of the 13th cumulative month they receive assistance. At that time the participant must move to the work-ready phase.

2360.23 Work-Ready Phase

Adult participants in the work-ready phase must meet their full work requirement in countable work activities unless they have been granted a modification of or deferment from the work requirement. During this phase, all participants engage in the activities that provide the most expeditious route to attainment of their employment goal. Under no circumstances may participants spend more than 12 full cumulative calendar months in this phase (2360.25).

After completing the activities leading to the employment goal or reaching the 12-month limit for the work-ready phase, participants move to the employment phase, in which they must seek and obtain unsubsidized employment (2363.33).

2360.24 Employment Phase

Participants move to the employment phase after they have completed all required FDP activities leading to their employment goal or spent 12 cumulative months in the work-ready phase, whichever comes first. Participants in the employment phase must seek unsubsidized employment that meets their work requirement.

Participants in the employment phase must accept any unsubsidized job offered unless they qualify for one of the limited exceptions in section 2363.34.

After the required period of intensive job search (2364.2), the case manager shall place those unable to obtain unsubsidized employment in subsidized work or a community service placement that, in combination with any unsubsidized work, meets the work requirement. All participants not meeting their work requirement solely with unsubsidized employment shall be expected to continue to seek unsubsidized employment while in a community service placement or subsidized employment.

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2360.25

2360 Participation in the Services Component

2360.2 Participation Phases

2360.25 Assignment to a Participation Phase

After the family has been approved for participation in the Reach Up financial assistance component, the adults move to the pre-work-ready phase for assessment and development of an employment goal. Next, the case manager must assign the adult to the appropriate participation phase in according to the following criteria:

- Participants capable of pursuing their employment goal without engaging in countable work activities other than job search and unsubsidized employment shall move to the employment phase and seek unsubsidized employment that meets their work requirement immediately.
- Participants for whom all three of the following conditions are true shall set an employment goal they can attain with their existing qualifications, move to the employment phase, and seek unsubsidized employment that meets their work requirement immediately:
 - (1) They have no barriers.
 - (2) They have a certification, license, or particularized work experience or skills that would qualify them for a position paying gross wages equal to or in excess of 150 percent of the federal poverty level for their family size.
 - (3) The position in (2) exists in the current job market within an hour's commute of home.
- Participants who can meet their work requirement with countable work activities but whose FDP requires them to engage in activities designed to prepare them for attainment of their employment goal shall proceed to the work-ready phase. During this phase, they will meet their work requirement by engaging in countable work activities included in their FDP.
- Participants who have limitations or barriers that bar them from meeting their work requirement with approved work activities shall remain in the pre-work-ready phase to engage in approved activities that help them move toward being work-ready. Principal-earner parents and parents sharing the work requirement, however, shall not be assigned to the pre-work-ready phase.
- Notwithstanding the assignment conditions specified above, participants previously assigned to the work-ready or employment phase shall return to their last assigned phase and cannot be assigned to a prior phase. Any limitations or barriers that now bar such participants from meeting their work requirement with approved work activities may be considered possible grounds for deferment or modification of the work requirement.

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2360.26

2360 Participation in the Services Component

2360.2 Participation Phases

2360.26 Calculation of Months of Receipt of Reach Up Financial Assistance

The department shall calculate the number of months a participant has spent in the pre-work-ready phase or the work-ready phase according to the following rules.

1. The count of cumulative months of Reach Up financial assistance receipt begins no earlier than the first full month the participant receives Reach Up financial assistance.
2. Only full months of receipt of Reach Up financial assistance are counted.
3. Months of assistance received prior to July 1, 2001, are not counted unless the participant received Aid to Needy Families (ANFC) during the Welfare Restructuring Demonstration Project (WRP) period (July 1, 1994, through June 30, 2001) and has a work-ready date established in accordance with department rules stated in section 2356.3 or in section 2363.15.

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2361

2361 Family Development Plans

Every participating family must have a family development plan (FDP). The FDP charts and documents each family's participation in the Reach Up services component (2360). The FDP sets forth each adult participant's employment goal (2361.1), the plan and schedule of activities the participant must engage in to attain the goal, and the specific FDP requirements the participant must fulfill to avoid sanctions. Development of the FDP begins when a family applies for Reach Up financial assistance. At that time, the adult members must agree to comply with the FDP requirements of meeting with the case manager, cooperating in assessment, and setting an employment goal, provided they are found eligible for financial assistance. Within 30 days of the first meeting between the participant and the case manager, the family's FDP shall include the following:

- employment goal of each adult participant;
- an assessment (2350.3) of each adult participant's strengths and whether the participant has any limitations or barriers to employment, including a literacy evaluation followed by referral to an appropriate resource or program, if needed;
- an evaluation of the participant's current ability to participate in work activities;
- an identification of the services, supports, and accommodations needed to overcome any limitations or barriers and move the family toward self-sufficiency and to enable each adult participant to fulfill personal and family responsibilities, consistent with the goals of the Reach Up program; and
- assignment of responsibilities among the case manager and family members with respect to the activities the participant must engage in that constitute the FDP (2362) and work requirements (2363), together with a time schedule for fulfillment of these responsibilities and requirements.

2361.1 Employment Goal

Every participant must establish an employment goal. The employment goal is an essential element of the FDP. All FDP requirements, the individual's plan, and the individual's schedule of activities must be related to this goal. At first, the employment goal may be nothing more than obtaining a unsubsidized job in the participant's geographic area. Later, the participant, with the assistance of the case manager, may refine the employment goal to specify a particular occupational field with current job openings in the geographic areas where the participant is willing to work. In refining the employment goal, the participant and the case manager must consider the participant's assessment, work experience, education, strengths and abilities, limitations and barriers, interests, and any other factors affecting attainment of the employment goal.

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2361.1 P.2

2361 Family Development Plans

2361.1 Employment Goal (Continued)

The employment goal and the plan for attaining it must be reasonable. A participant's employment goal is reasonable if that participant can complete all required activities leading to the goal within the work-ready phase, which is limited to no more than 12 months. A plan that a participant cannot complete within the work-ready phase shall not be approved. Because months during which a participant is granted a deferment from or modification to the work requirement count toward the 12-month limit on the work-ready phase, the participant and the case manager shall review the employment goal whenever a modification or deferment is granted and modify it, if necessary. Participants with options for how they may attain the employment goal shall pursue the course that provides the most expeditious route to the goal.

If the participant and case manager cannot agree on the employment goal or the plan for reaching the goal, the case manager's supervisor shall review the plan and make every effort to resolve the issues by consensus. If the case manager and participant cannot reach agreement, the supervisor shall make the final determination.

2361.2 Development of the FDP

The case manager, with the full involvement of the participating family, shall develop the FDP. Development of the FDP is an ongoing process. Participants are required to engage in approved activities as they become available, are scheduled, and are included in their FDP. Within 30 days of the first meeting between the participant and the case manager, the participant's FDP shall include the employment goal and the results of the assessment.

In developing the FDP, the case manager and the participant should be guided by the participant's expected progress through the program phases toward attainment of the employment goal. The plan and schedule of approved activities, including work activities, must provide the most expeditious route to attainment of the employment goal within the time frames limiting each program phase. If a participant has any known limitations or barriers to achieving the employment goal, they must be identified and addressed in the FDP with a plan and schedule of activities and services.

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2361.3

2361 Family Development Plans

2361.3 Reviews and Modifications of the FDP

The case manager shall establish a schedule for review of the FDP. The case manager shall have a personal contact with the participant at least once per month to review the FDP and, if necessary, to modify the plan.

In addition to regularly scheduled reviews of the FDP, the case manager shall review and, if necessary, modify the plan in the following circumstances:

- Services required by the FDP are unavailable.
- The participant is nearing the end of the pre-work-ready phase. The case manager shall review the FDP at least 30 days before the end of the phase.
- A deferment or modification of the work requirement has been requested.
- A deferment or modification is scheduled to end within 60 days. The case manager shall review the FDP no fewer than 30 days before the deferment or modification expires.
- The participant has started an unsubsidized or subsidized job. The case manager shall review the FDP within 30 days of the date the participant started the job.
- The participant has lost unsubsidized or subsidized employment.
- The participant is nearing the date set for attaining the employment goal. The case manager shall review the FDP at least 30 days prior to that date.
- Changes to the FDP are needed to protect the well-being of the children.
- The participant is not making satisfactory progress in achieving the goals of the plan, or it becomes apparent that the participant cannot achieve them in the time allowed.
- A family member has failed to comply with an FDP requirement or a work requirement.

When there are indications that a participant's failure to comply with program requirements or make satisfactory progress toward the goals of the plan may be due to a previously unidentified barrier, the case manager shall reassess the participant for barriers and make appropriate referrals, if there is an indicated need.

Case managers' supervisors shall conduct routine reviews of FDPs to ensure quality of service. Case managers' supervisors shall also review the FDP whenever they have notice that there may be issues of noncompliance or quality of service. After the review, the supervisor shall modify the FDP, if necessary.

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2362

2362 Family Development Plan (FDP) Requirements

The case manager shall approve an activity and include participation in the activity as a requirement specified in the family development plan (FDP) when such participation is a necessary part of the plan leading to the most expeditious attainment of the participant's employment goal. FDP requirements shall include the work activities a work-ready participant must engage in to fulfill the work requirement (2363) and the unsubsidized work a participant must engage in to fulfill the work requirement when that participant has finished the activities leading to the employment goal.

The case manager shall approve activities on an individual basis. If a participant can perform work activities appropriately related to the employment goal, the case manager shall approve and include such participation as an FDP requirement, even if the participant is not work-ready and the hours of participation are fewer than those of the participant's work requirement. Before participants are work-ready they must engage in work activities for as many hours as they can. During the pre-work-ready phase, the number of hours participants must engage in work activities shall continue to increase consistent with their capabilities until they are work-ready and meeting their work requirement.

2362.1 Adult Participants' FDP Requirements

The following requirements apply to every participating adult, including minor parents (2362.2), unless an exception is noted.

- Each adult shall participate in the development of the FDP.
- Each adult who is not referred to the department of employment and training (DET) at the time of the application for financial assistance shall report as directed by the case manager for assessment and evaluation activities.
- Each participating adult shall begin to comply with the FDP requirements as soon as the requirement is included in the FDP and available.
- Adults shall engage in their FDP activities for the number of hours per week that the activities are scheduled and available, unless good cause (2370.3) exists for not doing so.
- When required by the case manager, the participant shall provide written verification from the service provider or project supervisor of attendance and participation in any FDP activity. The frequency of the verification will depend upon the intensity and duration of the activity. A case manager shall assist a participant having difficulty obtaining verification from the service provider at the participant's request.
- Each adult shall continue to comply with the FDP requirements.

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2362.11

2362 Family Development Plan (FDP) Requirements

2362.1 Adult Participants' FDP Requirements

2362.11 Requirement to Report to Department of Employment and Training

When an adult referred to the department of employment and training (DET) at the time of filing an application for financial assistance fails to report and cooperate with the directives of the DET worker without good cause, the department will deny financial assistance to the adult's family. Adults required to report to DET include applicant parents who join a household in receipt of financial assistance. An adult who accepts employment after reporting as directed may receive Reach Up services, provided that the family is eligible for such services in accordance with department rules. The following adults shall report to DET for job search within two working days of having filed an application for Reach Up financial assistance and shall accept any unsubsidized job offered:

- Adults who are not the primary caretakers of the children in two-parent families with two able-to-work parents, except for minor parents (2362.2).
- Both adults who choose to share the work requirement (2363.31) in two-parent families with two able-to-work parents. If the principal-earner parent fails to report without good cause, the department shall deny the family's Reach Up assistance application. If the primary caretaker parent fails to report to DET without good cause, the sharing option will no longer be available, and the principal-earner parent will have full responsibility for meeting the reporting and work requirements.
- Single parents, caretakers, and able-to-work parents in two-parent families with an able-to-work-part-time or unable-to-work parent, provided that such adults:
 - have no barriers to obtaining and maintaining a job;
 - have a recent and stable work history; and
 - received wages for their most recent job that, when annualized, equal or exceed 150 percent of the federal poverty level applicable to the family's size.

For purposes of this section, a recent and stable work history is demonstrated when the adult's most recent job was within the past 12 months and the adult worked in that position for at least six months. The annualized wage is determined by multiplying the hourly wage by 2080, the number of hours in a full year of 40-hour work weeks, even if the adult did not work 40 hours per week.

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2362.12

2362 Family Development Plan (FDP) Requirements

2362.1 Adult Participants' FDP Requirements

2362.12 FDP Requirements for Primary Caretaker Parents

Primary caretaker parents not sharing a work requirement must meet with the case manager for assessment, to develop their FDP, and to establish an employment goal. As long as the principal-earner parent reports to DET and fulfills the work requirement, the primary caretaker parent is not required to pursue an employment goal or fulfill the work requirement. The FDP of a primary caretaker parent shall, however, include requirements to participate in activities essential to the principal-earner parent's fulfillment of the work requirement.

Subject to program rules and limitations, the department will provide support services to primary caretaker parents who elect to engage in any of the following FDP activities:

- parenting classes or activities designed to address an identified parenting need;
- pursuit of a secondary education diploma or participation in a recognized equivalent program;
- substance abuse, mental health, or domestic abuse counseling; and
- pursuit of an employment goal within the program time limits (2360.2).

2362.2 Additional FDP Requirements for Minor Parents

A minor parent is an individual under age 18 who is a parent or pregnant individual. Regardless of their school attendance, dependent status, age, the age of their youngest child, or participation in a supervised living arrangement, all minor parents must participate in their FDP activities at all times. The minor parent's FDP shall include all the following requirements applicable to the minor parent's circumstances.

- Instead of reporting to DET for initial job search within two working days of applying for assistance, principal earners who are minor parents may be required to report to a local community-based organization (CBO) for case management services. The department may waive this reporting requirement if the principal earner has good cause for noncompliance. The department may also waive the requirement if either the department or the CBO is unable to comply with the requirement.
- The minor parent shall take part in case-managed support, education, and training activities.

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2362.2 P.2

2362 Family Development Plan (FDP) Requirements

2362.2 Additional FDP Requirements for Minor Parents (Continued)

- The minor parent shall attend school or an appropriate alternative education or training program.
- If the minor parent is not emancipated in accordance with 12 V.S.A. §7151, the minor parent and the dependent children in the minor parent's care must reside with a parent or in an approved living arrangement.

2362.21 Approved Living Arrangement Requirement

For purposes of this section, the following definitions apply:

- Adult relative means an individual age 25 or older who is related to the minor parent. Paternal grandparents of the dependent child are considered adult relatives, if paternity is established.
- Approved living arrangement means a setting with a parent or relative at least 25 years old who provides supervision on a full-time or part-time basis as approved by a case manager and includes, at a minimum, safe, adequate shelter, the opportunity and encouragement for the minor parent to learn independent living skills and parenting skills through experience, and strong support to help the minor parent meet the goals of the Reach Up family development plan. Approved living arrangements also include group homes for pregnant and parenting teenagers, licensed foster homes, and PATH-approved congregate housing with an adult residing in one of the living units. A parental home that the minor parent considers unacceptable shall not be considered an approved living arrangement.

If the minor parent is not residing in an approved living arrangement as defined above, the case manager and minor parent shall jointly determine whether any such living arrangement is available and appropriate. The home of a parent or legal guardian shall be the first option explored by the case manager and minor parent. If either the case manager or minor parent does not agree that a parental home is available and appropriate, they shall seek an alternative approved living arrangement.

If the minor parent is participating in an approved substance abuse treatment program or a vocational or educational program that would no longer be geographically available if the minor parent returned to the parent or legal guardian's home, the case manager shall help the minor parent find an alternative living arrangement.

When, during an eligibility determination process or review of eligibility, the minor parent states that living in the parental home is unacceptable, the minor parent shall not be asked to explain the reasons behind this assessment. After a decision on the minor parent's living arrangement has been made, however, the relationship between the minor parent and the parent may be subsequently explored within the context of providing case work services to the minor parent.

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2362.22

2362 Family Development Plan (FDP) Requirements

2362.2 Additional FDP Requirements for Minor Parents

2362.22 Alternate Approved Living Arrangements

If none of the approved living arrangement options can be agreed upon by the case manager and minor parent, the following options for meeting the requirement shall be explored:

- placement in a PATH-approved transitional housing situation; or
- a placement with a nonrelative at least 25 years old who, in the judgment of the case manager, can act in a parental role in relationship to the minor parent.

If the case manager and minor parent have been unable to develop an agreed-upon living arrangement as described above, the operations chief or designee shall review the case circumstances, determine whether an appropriate living arrangement is available, and, if so, require the minor parent to live in that arrangement. If there is none available, the operations chief or designee shall determine whether a designated nonresident adult may provide regular support and guidance in an independent living arrangement. If there is no such adult, the minor parent is exempt because no appropriate living arrangement is available.

2362.23 Noncompliance, Good Cause, and Sanctions

If the minor parent is not exempt and does not reside in a living arrangement specified by the operations chief or designee, the family's Reach Up financial assistance grant shall be subject to financial sanction (2372) for failure to comply with the FDP requirement.

The following circumstances constitute good cause for a parent under 18 to be exempt from the living arrangements requirement and permitted to live independently:

- Parents aged 17 have lived apart from their own parents, legal guardian, or adult relative and have been independently self-supporting for a period of at least six months before either the birth of their dependent child or their application for Reach Up financial assistance.
- Minor parents reside with their child's other parent, and both parents are age 16 or older.
- The operations chief or designee determines that no appropriate living arrangement is available.

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2362.23 P.2

2362 Family Development Plan (FDP) Requirements

2362.2 Additional FDP Requirements for Minor Parents

2362.23 Noncompliance, Good Cause, and Sanctions (Continued)

Minor parents not living in an approved living arrangement at the time of application who do not have good cause for living independently may be granted Reach Up financial assistance for 30 days if all other eligibility factors are met. Similarly, minor parents who leave an approved living arrangement with good cause, as described below, shall have up to 30 days from the date they left to move into another approved living arrangement.

In either case, this 30-day grace period may be extended an additional 30 days if the operations chief or designee, based on the case manager's recommendation, believes that a good faith effort is being made to find a suitable living arrangement and the additional time is needed to locate appropriate housing.

If the minor parent is not living in an approved living arrangement at the end of the grace period, is not exempt, and is not cooperating with the case manager, the family's financial assistance grant shall be subject to fiscal sanctions (2370).

The following reasons constitute good cause for a minor parent to leave an approved living arrangement:

- The supervising adult or organization is no longer willing or able to provide the living arrangement.
- The minor parent alleges that the living arrangement is unacceptable because of abuse or neglect of the minor parent or her child.
- The minor parent and the case manager agree that her current living arrangement is no longer needed or appropriate, and no other suitable option is immediately available.

2362.3 FDP Requirements for 16- and 17-Year-Old Out-of-School Youth

A 16- or 17-year-old dependent youth in a participating family who is not a full-time student must participate in the services component of the Reach Up Program. Within 10 calendar days of a case manager's determination that the youth must participate, the youth shall meet with the case manager for assessment and development of an FDP. The 10-day time frame may be exceeded only if the case manager cannot meet this time requirement or the youth can demonstrate good cause (see 2370) for failing to meet it.

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2362.3 P.2

2362 Family Development Plan (FDP) Requirements

2362.3 FDP Requirements for 16- and 17-Year-Old Out-of-School Youth (Continued)

After the initial assessment, the youth will be required to participate in job search or an alternative activity included in the FDP, such as education, training, or work experience. Participation in the job search component shall be limited, as specified in section 2364.2. Out-of-school youth are not subject to the work requirement (2363) or the restrictions on participation in work activities specified in 2364-2364.10.

When an out-of-school youth fails to comply with FDP requirements without good cause, the department shall consider the youth either ineligible for the Reach Up Program or eligible but subject to fiscal sanctions. Youths who are the only eligible members of their Reach Up financial assistance groups must be considered ineligible, and the family's financial assistance grant is terminated.

For situations in which youths are eligible but subject to fiscal sanctions, the department shall remove the needs of the sanctioned youth from the determination of total needs and count the income and resources of the youth in the determination of the family's eligibility and benefit level. The sanctions shall continue until the youth cures the sanctions using the process set forth for adults in 2373.11 and 2373.12.

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2363

2363 Work Requirements

All participating adults shall be required to fulfill their work requirement, unless deferred, when they are work-ready in accordance with these rules. The number of hours the participant must work or engage in work activities depends on the configuration of the family (2363.3). When participants are determined work-ready and must begin to fulfill a work requirement usually depends on their ability to engage in work activities, limited by the length of time that they have received Reach Up financial assistance.

To fulfill their work requirement, participants must engage in the work activities (2364) approved by their case manager. Work-ready participants must engage in work activities consistent with their highest level of capability. Participants who have completed the activities leading to attainment of their employment goal (2361.2) must fulfill their work requirement in unsubsidized work.

Work-ready participants and participants who have completed all approved FDP activities leading to their employment goal shall fulfill their work requirement, unless deferred, in accordance with the requirements of this section to avoid fiscal sanctions (2372).

2363.1 Work-Ready Determination

The determination that participants are work-ready occurs at different times, depending on the following rules.

2363.11 When Determined Eligible for Reach Up Financial Assistance

Principal-earner parents, parents sharing the work requirement, and adults assigned to the work-ready phase or employment phase at the end of a past period of participation in Reach Up must begin fulfilling their work requirement as soon as they meet with their case manager for the first time.

2363.12 During the First 12 Cumulative Months of Receiving Reach Up Financial Assistance

During the first 12 cumulative months of participation in Reach Up's financial assistance component, participants not already determined work-ready and not subject to any barriers are determined work-ready as soon as they are capable of participating in a single countable work activity or any combination of countable work activities sufficient to fulfill their work requirement.

2363.13 Upon Receipt of the 12th Cumulative Month of Reach Up Financial Assistance

A participant who has received 12 cumulative months of financial assistance in the pre-work-ready phase (2360.22) shall be deemed work-ready on the first day of the 13th month the individual receives assistance and is subject to the applicable work requirement. In rare circumstances, if a participant's case manager concludes that the participant cannot meet the applicable unmodified work requirement, the case manager shall submit a request for an extension of the work-ready date (2363.14).

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2363.14

2363 Work Requirements

2363.1 Work-Ready Determination (Continued)

2363.14 When the Pre-Work-Ready Phase Is Extended Beyond 12 Months

The case manager shall submit a request for an extension of the participant's pre-work-ready phase in writing and specify the length of the extension, not to exceed six months. The request shall include the following:

- the particular reasons why the participant cannot meet the full work requirement;
- the date the reasons were recognized and the efforts made so far to address them;
- the number of hours the participant can engage in work activities;
- the length of the requested extension; and
- the remedial actions and services to be provided to the participant to enable fulfillment of the requirement.

The case manager shall submit a request for an extension to the district director and the family services director for approval. The district director and the family services director shall review the request and approve it, provided that the participant cannot meet the work requirement, the participant does not qualify for a modification of the work requirement (2365), and the information in the request is supported by the documentation in the participant's file and FDP. If the extension is approved, they shall set a new work-ready date within the next six months.

2363.15 For Participants Receiving Financial Assistance Before July 1, 2001

Before March 1, 2002, the calculation to determine a participant's work-ready date shall include all months of assistance the participant's family received during WRP. Once WRP participants are work-ready in accordance with department rules and by virtue of the number of months of assistance they received, they remain work-ready. They must fulfill their work requirement in unsubsidized employment within one year of their work-ready date, with the following exception. Principal-earner parents who have received 10 or more cumulative months of ANFC by May 1, 2001, must fulfill their work requirement in unsubsidized employment beginning July 1, 2001.

Through March 1, 2002, WRP participants' work-ready dates are determined as follows.

1. Participants who reached their end of time limits (ETL) during WRP and who are work-ready pursuant to department rules are presumed to be work-ready.
2. Principal-earner parents in two-parent families where both parents are able-to-work and the family has received 10 or more months of ANFC assistance by May 1, 2001, must fulfill their work requirement in unsubsidized work beginning July 1, 2001.

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2363.15 P.2

2363 Work Requirements

2363.1 Work-Ready Determination

2363.15 For Participants Receiving Financial Assistance Before July 1, 2001 (Continued)

3. Principal-earner parents in two-parent families where both parents are able-to-work and the family has received fewer than 10 months of ANFC by May 1, 2001, are work-ready as of July 1, 2001 and must fulfill their work requirement in unsubsidized employment within one year.
4. All other able-to-work or able-to-work-part-time adults who received ANFC during WRP and who are members of families in which one or both of the ANFC children's parents are absent or two-parent families in which one parent is unable-to-work shall be work-ready as follows:
 - Participants in families who after June 30, 1994, have received at least 22 cumulative months of ANFC assistance by July 1, 2001, shall be work-ready no later than September 1, 2001.
 - Participants in families who after June 30, 1994, have received at least 16 cumulative months of financial assistance (ANFC or a combination of ANFC and Reach Up financial assistance) by September 1, 2001, shall be work-ready no later than November 1, 2001.
 - Participants in families who after June 30, 1994, have received at least 10 cumulative months of financial assistance (ANFC or a combination of ANFC and Reach Up financial assistance) by November 1, 2001, shall be work-ready no later than January 1, 2002.
 - Participants in families who after June 30, 1994, have received at least 10 cumulative months of financial assistance (ANFC or a combination of ANFC and Reach Up financial assistance) by January 1, 2002, shall be work-ready no later than March 1, 2002.
 - Participants in families who after June 30, 1994, have received at least 10 cumulative months of financial assistance (ANFC or a combination of ANFC and Reach Up financial assistance) by March 1, 2002, shall be work-ready no later than May 1, 2002.

After March 1, 2002, all other participants who have received ANFC during WRP and who are not yet work-ready shall have their work-ready date determined using only months of assistance received since July 1, 2001.

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2363.15 P.3

2363 Work Requirements2363.1 Work-Ready Determination2363.15 For Participants Receiving Financial Assistance Before July 1, 2001 (Continued)

The following chart illustrates the work-ready dates for able-to-work and able-to-work-part-time parents and caretakers in families where one or both of the recipient children's parents are absent and able-to-work and able-to-work-part-time parents in two-parent families where the other parent is unable to work.

Cumulative months' receipt of financial assistance	Work-ready-date
22 or more months by July 1, 2001	September 1, 2001
16 or more months by September 1, 2001	November 1, 2001
10 or more months by November 1, 2001	January 1, 2002
10 or more months by January 1, 2002	March 1, 2002
10 or more months by March 1, 2002	May 1, 2002

2363.2 Implementation of Phase-In Plan For Adults Receiving Assistance Before July 1, 2001

Due to the large numbers of WRP families with participants who will become work-ready during the period July 1, 2001, through May 1, 2002, the department anticipates that it may not be administratively possible for staff to meet and work with each participant during the two months before the work-ready dates established by statute and set out above. Consistent with the apparent intent of the statutory provisions, case managers shall meet with participants as close in time to the statutory schedule as possible. Case managers shall schedule appointments with participants on the basis of the number of cumulative months the participant has received financial assistance. Those participants who have received the most months of assistance shall be scheduled first, and the remaining families will be scheduled to meet with their case managers based on an incrementally decreasing number of cumulative months of receipt of financial assistance.

In no case shall any participant be work-ready before the date established by statute and set out above unless the participant is voluntarily fulfilling the applicable work requirement by engaging in approved work activities. The date the participant will be treated as work-ready for purposes of imposition of program requirements shall be the first day of the calendar month preceded by the two full calendar months immediately after the participant's meeting with the case manager. The case managers shall accommodate participants who wish to meet with them to begin the process earlier than the date scheduled based on the number of months they have received assistance.

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2363 Work Requirements2363.3 Work Requirement Hours

Work-ready participants and participants who have completed all approved FDP activities leading to their employment goal have a specified number of hours that they must work or engage in work activities to satisfy the work requirement. The number of hours varies on the basis of the ages of the dependent children in the home, the number of adults in the family, the adults' ability to work and, in some situations, whether two parents are sharing a work requirement. The various configurations of these factors and the resulting applicable work requirement hours are illustrated in the following chart.

Type of Family	Ability to Work	Parent	Work Requirement
Two parents	Both able-to-work	Principal earner (PEP)	40 hours per week, or 35 hours per week in a job the employer defines as full-time
		Primary caretaker of child	None unless the PEP is sanctioned, then the primary caretaker must fulfill the PEP's work requirement
		Both parents	40 hours per week divided between parents sharing work requirement
	One able-to-work and one able-to-work-part-time or unable-to-work	Parent able-to-work	30 hours per week
		Parent able-to-work-part-time	None
		Parent unable-to-work	None
	One able-to-work-part-time at least 30 hours per week and one able-to-work-part-time or unable-to-work	Parent able-to-work-part-time at least 30 hours per week	30 hours per week
		Parent #2 able-to-work-part-time	None
		Parent unable-to-work	None
	Both parents able-to-work-part-time	Both parents	30 hours per week combined or the combined number of hours they are able-to-work-part-time, whichever is less
	One able-to-work-part-time and one unable-to-work	Parent able-to-work-part-time	30 hours per week or the number of hours the parent is able-to-work-part-time, whichever is less
		Parent unable-to-work	None
	Both parents unable-to-work	Both parents	None
Single parent or caretaker with child under 6	Parent or caretaker able-to-work		20 hours per week
	Parent or caretaker able-to-work-part-time		20 hours per week or the number of hours the parent is able-to-work-part-time, whichever is less
	Parent unable-to-work		None
Single parent or caretaker with child 6 or older	Parent or caretaker able-to-work		30 hours per week
	Parent or caretaker able-to-work-part-time		30 hours per week or the number of hours the parent is able-to-work-part-time, whichever is less
	Parent unable-to-work		None

** NOTE: References in the chart to participants "unable-to-work" or "able-to-work-part-time" address work requirements for participants in families where an adult has a medical deferment from or modification of the work requirement (2365).

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2363 Work Requirements

2363.3 Work Requirement Hours (Continued)

A change in a medical condition affecting the parent's ability to work that lasts fewer than three months and reduces or eliminates the number of hours that parent must participate shall have no effect on the second parent's required hours of participation.

For simplicity's sake, the above chart expresses the work requirement for each adult as a single number of hours. To address the fact that the hours of employment actually made available to participants may not equal the number of hours they are required to work, the department has specified each work requirement as a range of hours in the next two subsections. The lower limit of the range of hours equals the number of hours of employment a participant is required to accept and retain. This is the number included in the chart. The upper limit of the range of hours equals the maximum hours of employment a participant is required to accept and retain. Both numbers are included in the next two subsections. Any participant may work more than the maximum number of hours voluntarily.

2363.31 Work Requirement Hours for Parents in Two-Parent Families

A. Two Able-to-Work Parents

In a two-parent family with two able-to-work parents, the parents have two options for how they may fulfill their work requirement hours. The parents shall be advised of the options at their initial interview. In the first option, the principal-earner parent fulfills the family's work requirement, and the primary caretaker parent will have a work requirement only if the principal-earner parent is sanctioned for failing to fulfill the work requirement. In the second option, the parents share the responsibility for the work requirement.

Regardless of the option selected, the parents must designate one parent as the principal-earner parent and one parent as the primary caretaker parent. The designation of the principal-earner parent must be made at the time the family applies for Reach Up financial assistance. Once the parents designate the principal-earner parent, the parents may change the designation under the following circumstances:

- by the parents' choice at their first meeting with the case manager;
- at their first meeting with the case manager following reapplication after a break in benefits for one full calendar month or more;
- when the principal-earner parent is sanctioned (2373.12) and the other parent fulfills the work requirement through unsubsidized work; and
- when the parent who is not the principal-earner parent fulfills the work requirement through unsubsidized work for at least two weeks.

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2363.3 Work Requirement Hours

2363.31 Work Requirement Hours for Parents in Two-Parent Families

A. Two Able-to-Work Parents (Continued)

1. Option in Which the Principal-Earner Parent Fulfills the Work Requirement

The principal-earner parent who has not secured employment during the applicant job search shall participate full time in approved work activities. After completing the activities leading to the employment goal, the parent shall work full time in unsubsidized work. Full time generally means 40 hours per week but also includes, in the case of an unsubsidized job that the employer defines as full-time, a job that requires no fewer than 35 and no more than 45 scheduled hours per week. The primary caretaker shall have no work requirement, provided that the principal-earner parent complies with and is not sanctioned for failing to meet the work requirement. In the event that the principal-earner parent is sanctioned for failing to meet the work requirement, the primary caretaker parent shall be deemed work-ready and required to fulfill the family's work requirement. If the principal-earner parent is sanctioned, the primary caretaker parent shall report to the family's case manager, complete an assessment, modify the family's FDP, and comply with the family's work requirement by the 30th day following the effective date of the principal-earner parent's sanction.

2. Option in Which the Parents Share Responsibility for the Work Requirement

Two able-to-work parents may share the work requirement, provided that they begin to engage in a combined total of 40 hours per week in unsubsidized work:

- a. within 30 days of application for financial assistance or reapplication after a break in benefits for a full calendar month or more; or
- b. within 30 days of the onset of the unemployment or reduced hours of employment of the principal-earner parent.

Parents who decide to share the work requirement at the time of their application or reapplication for financial assistance must both report to DET, in accordance with 2362.11.

Parents who share the work requirement must secure employment with combined hours equal to or exceeding 40 hours per week. If the parents cannot accomplish the full number of hours in the allotted time, the sharing option shall not be available, and the principal-earner parent must increase hours to meet the full requirement.

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2363.3 Work Requirement Hours

2363.31 Work Requirement Hours for Parents in Two-Parent Families

A. Two Able-to-Work Parents

2. Option in Which the Parents Share Responsibility for the Work Requirement (Continued)

If one of the parents sharing a work requirement becomes unemployed or works fewer hours, the parents shall have 30 calendar days from the date of the unemployment or reduced hours of employment to re-establish the sharing arrangement.

Parents sharing a work requirement when financial assistance terminates may re-establish this arrangement within 30 days of reapplication, even when the reapplication is filed before there has been a break in benefits for a full calendar month.

If the principal-earner parent or a parent sharing the work requirement becomes unemployed or reduces hours of employment without good cause, conciliation of the principal-earner parent begins immediately (2371.1). The principal-earner parent is subject to fiscal sanction if conciliation is not successfully resolved.

B. One Able-to-Work Parent

In a two-parent family with only one able-to-work parent, the able-to-work parent shall participate in approved work activities for no fewer than 30 hours per week. After completing the activities leading to the employment goal, the able-to-work parent shall accept an offer of and work in unsubsidized employment with scheduled hours of no fewer than 30 and up to 35 hours per week.

C. Two Able-to-Work-Part-Time Parents

1. One Parent Can Work 30 or More Hours Per Week

In a two-parent family with two able-to-work-part-time parents, if one parent can work 30 or more hours per week, then that parent shall participate in approved work activities for no fewer than 30 hours per week. After completing the activities leading to the employment goal, the parent who can work 30 or more hours shall accept an offer of and work in unsubsidized employment with scheduled hours of no fewer than 30 and up to 34 per week as long as the number of hours does not exceed the number of hours the parent can work. The second parent does not have a work requirement.

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2363.3 Work Requirement Hours

2363.31 Work Requirement Hours for Parents in Two-Parent Families

C. Two Able-to-Work-Part-Time Parents (Continued)

2. Parents Can Work 30 or More Hours Per Week Combined and Neither Parent Can Work 30 or More Hours Alone

If the family includes two able-to-work-part-time parents who can work a combined total of 30 or more hours per week, but neither can work 30 or more hours alone, the parents shall both participate in approved work activities for a combined total of no fewer than 30 hours per week. After completing the activities leading to their employment goals, these parents shall accept and work in unsubsidized employment with combined scheduled hours of no fewer than 30 and up to 34 hours per week, provided that the scheduled hours do not exceed the combined number of hours the parents can work.

3. Two Able-to-Work-Part-Time Parents Cannot Work 30 Hours Per Week Combined

If the family includes two able-to-work-part-time parents who cannot work 30 hours per week when their hours are combined, they shall participate in approved work activities for the total combined number of hours they can work. After completing the activities leading to their employment goals, these parents shall accept and work in unsubsidized employment for the combined number of hours they can work.

4. One Able-to-Work-Part-Time Parent and One Unable-to-Work Parent

a. One Able-to-Work-Part-Time Parent Can Work 30 or More Hours Per Week

If the family includes one unable-to-work parent and one able-to-work-part-time parent who can work at least 30 hours per week, the able-to-work-part-time parent shall participate in approved work activities for no fewer than 30 hours per week. After completing the activities leading to the employment goal, the able-to-work-part-time parent shall accept unsubsidized employment with scheduled hours of no fewer than 30 and up to 34 hours per week, provided that the scheduled hours do not exceed the number of hours that the parent can work.

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2363.3 Work Requirement Hours

2363.31 Work Requirement Hours for Parents in Two-Parent Families

C. Two Able-to-Work-Part-Time Parents

4. One Able-to-Work-Part-Time Parent and One Unable-to-Work Parent (Continued)

b. One Able-to-Work-Part-Time Parent Cannot Work 30 Hours Per Week

If the family includes one unable-to-work parent and one able-to-work part-time parent who cannot work 30 hours per week, the able-to-work-part-time parent shall participate in approved work activities for the number of hours that the parent can work. After completing the activities leading to the employment goal, the able-to-work-part-time parent shall work in unsubsidized work for the number of hours that the parent can work.

2363.32 Work Requirement Hours for Single Parents and Caretakers

A. Single Parent or Caretaker in a Family with No Child Under Six

1. Able-to-Work Parent or Caretaker

If the family includes only one able-to-work adult, the participant shall participate in approved work activities for no fewer than 30 hours per week. After completing the activities leading to the employment goal, the participant shall accept unsubsidized employment with scheduled hours of no fewer than 30 and up to 35 hours per week.

2. Able-to-Work-Part-Time Parent or Caretaker Can Work 30 or More Hours

If the family includes only one able-to-work-part-time adult who can work at least 30 hours per week, the participant shall participate in approved work activities for no fewer than 30 hours per week. After completing the activities leading to the employment goal, the participant shall accept unsubsidized employment with scheduled hours of no fewer than 30 and up to 34 hours per week, provided that the scheduled hours do not exceed the number of hours that the participant can work.

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2363.3 Work Requirement Hours

2363.32 Work Requirement Hours for Single Parents and Caretakers

A. Single Parent or Caretaker in a Family with No Child Under Six (Continued)

3. Able-to-Work-Part-Time Parent or Caretaker Cannot Work 30 Hours Per Week

If the family includes only one able-to-work-part-time adult who cannot work 30 hours per week, the participant shall participate in approved work activities for the number of hours that the participant can work. After completing the activities leading to the employment goal, the participant shall accept unsubsidized employment with scheduled hours up to the number of hours the participant can work.

B. Single Parent or Caretaker in a Family with Child Under Six in the Home

1. Able-to-Work Parent or Caretaker

If the family includes only one able-to-work adult, the participant shall participate in approved work activities for no fewer than 20 hours per week. After completing the activities leading to the employment goal, the participant shall work in unsubsidized employment for no fewer than 20 hours per week and shall accept unsubsidized employment with scheduled hours up to 24 hours per week.

2. Able-to-Work-Part-Time Parent or Caretaker Can Work 20 or More Hours

If the family includes only one able-to-work-part-time adult who can work at least 20 hours per week, the participant shall participate in approved work activities for no fewer than 20 hours per week. After completing the activities leading to the employment goal, the participant shall accept and work in unsubsidized employment with scheduled hours of no fewer than 20 and up to 24 hours per week, provided that the scheduled hours do not exceed the number of hours that the participant can work.

3. Able-to-Work-Part-Time Parent or Caretaker Cannot Work 20 Hours Per Week

If the family includes only one able-to-work-part-time adult who cannot work 20 hours per week, the participant shall participate in approved work activities for the number of hours that the participant can work. After completing the activities leading to the employment goal, the participant shall accept and work in unsubsidized work for the number of hours that the participant can work.

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2363 Work Requirements

2363.3 Work Requirement Hours

2363.33 Alternate Work Requirement for Participants Under 20 Years Old

Individuals eligible as adult participants are deemed to be meeting their work requirement if they meet at least one of the following criteria:

- they maintain satisfactory attendance at a secondary school or the equivalent; or
- they participate in education directly related to employment for at least 20 hours per week.

2363.34 Requirement to Accept or Retain a Suitable Unsubsidized Job

A participant who has completed the activities leading to the employment goal or who has an FDP requirement to work in an unsubsidized job shall accept any offer of unsubsidized employment. A participant who is employed shall retain any current unsubsidized employment, even if it pays wages less than the financial assistance grant. In cases in which monthly wages are less than the financial assistance grant and the family is otherwise eligible, the wages shall be supplemented with a partial financial assistance grant.

If a participant has completed the activities leading to the employment goal and no unsubsidized job is available, the participant shall accept a subsidized job or participate in a community service placement or job search, or a combination of these work activities as approved by the case manager. The participant shall engage in the work activities for the number of hours that, in combination with the participant's unsubsidized employment, equal the number of hours of the work requirement.

A participant who without good cause fails to retain or accept an offer of unsubsidized employment in accordance with this section shall be subject to sanction unless an exception applies (2363.35).

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2364 Work Requirements

2363.3 Work Requirement Hours

2363.35 Exceptions to the Requirement to Accept a Suitable Unsubsidized Job

- A. A participant who, in the three months immediately before applying for financial assistance, had annualized wages equaling or exceeding 150 percent of the federal poverty level (FPL) for the family size shall not have to accept jobs with annualized earnings of less than 150 percent FPL during a three-month grace period immediately after the family is found eligible for financial assistance, provided that the participant complies with the requirements of this subsection. The annualized wage is determined by multiplying the participant's hourly wage by 2080, the number of hours in a full year of 40-hour workweeks. An individual who meets this wage criterion shall be eligible and remain eligible for this exception during the full three-month grace period, provided that the participant:
1. has not been disqualified within the prior six months from receiving unemployment compensation benefits for one of these reasons:
 - quitting a job without good cause;
 - failing, without good cause, to apply for suitable work when so directed by the employment office or the commissioner of employment and training; or
 - failing, without good cause to accept suitable work when offered;
 2. is not sanctioned during the grace period;
 3. does not leave an unsubsidized job without good cause during the grace period;
 4. follows through in a satisfactory manner on all referrals to employment opportunities;
 5. is engaged in acceptable work activities sufficient to fulfill the work requirement; and
 6. agrees to accept any unsubsidized job if still unemployed after completion of the grace period.
- B. A participant who has received a degree through the postsecondary education program or recently completed specialized vocational training shall not be required to accept an unsubsidized job unrelated to the degree or training for the three-month period immediately following completion of such education or training, provided that the participant:
1. is not sanctioned within that three-month period;
 2. does not leave an unsubsidized job related to the degree or training without good cause within that three-month period;
 3. follows through in a satisfactory manner on all referrals to employment opportunities related to the degree or training;
 4. is engaged in acceptable work activities in accordance with this section; and
 5. agrees to accept any unsubsidized job if unemployed after such three-month period.

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2364 Work and Work Activities Described

Work activities are the activities that participants must engage in to fulfill their work requirement (2363). Only the types of activities specified in this section may be counted toward fulfillment of the work requirement. An approved activity is an activity that has been approved by the case manager as an FDP requirement. A countable activity is one that can be counted toward the hours of a participant's work requirement, in accordance with Reach Up rules.

Before participants are work-ready, they shall engage in any work activities they can perform, as long as the case manager has approved the activity, the activity is included in the participant's FDP, and participation in the activity leads to attainment of the participant's employment goal. After a participant is work-ready, the participant must engage in the approved work activities that are countable toward that participant's work requirement and support the most expeditious attainment of the participant's employment goal.

The following sections describe the general categories of work activities that may be counted toward fulfillment of the work requirement. Limitations or restrictions on participation in a specific activity, if they exist, are addressed in the section pertaining to that activity.

2364.1 Unsubsidized Employment

Unsubsidized employment is an appropriate work activity for any participant, regardless of work-ready status. Participants who have completed the activities leading to their employment goal shall fulfill their work requirement with hours in unsubsidized employment, if such employment is available.

A job is considered unsubsidized if less than 25 percent of the wages or earnings from it are subsidized by Reach Up funds. Jobs for which none of the wages or earnings are subsidized and jobs subsidized by non-Reach Up funds are unsubsidized. Unsubsidized employment may include self-employment when it is conducted pursuant to an approved business plan included in the family development plan and meets the requirements established in section 2364.9.

2364.2 Job Search

Job search is an appropriate activity for any participant seeking unsubsidized employment. Generally, participants may count this activity toward meeting their work requirement for only six weeks during the federal fiscal year, which runs from October 1 through September 30. Of the six weeks, only four may be consecutive, and the case manager shall approve the activity in periods no longer than two weeks. In no event shall the department require an individual to participate in job search for more than four weeks before an assessment of the participant's employability is completed. If the participant's assessment reveals reasons why job search is not an appropriate activity for the participant, the requirement to participate in job search shall be terminated.

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2364 Work and Work Activities Described

2364.2 Job Search (Continued)

For a participant's hours spent in a job search activity to count toward the work requirement, the activity must be related to the participant's employment goal, approved by the case manager, included in the FDP, and supervised in an organized program or by the case manager. Additional job search activities beyond those described in this section may be required as part of another Reach Up activity designed to improve the participant's employment prospects.

Notwithstanding these limitations, hours a participant spends in job search may be counted toward the work requirement when authorized and coordinated by the case manager and incorporated into the FDP during the following periods:

- either for a two-week period immediately following the family's application for benefits or reapplication for benefits following a period of nonreceipt lasting at least a full calendar month or during the period a decision on application or reapplication is pending, whichever period ends later;
- for a period of two weeks at any time after the participant has completed the activities leading to the employment goal; and
- for a period of two weeks following the loss of paid employment.

During these times, the participant may be required to participate in job search for the number of hours per week that corresponds to the participant's work requirement hours or a lesser amount that, in combination with the participant's unsubsidized paid employment, equals the participant's work requirement hours.

Job search also includes the following pre-employment activities:

- resume and application preparation;
- job interviews;
- work-search and work-search training; and
- housing search, if the participant is homeless.

2364.3 Subsidized Employment

Subsidized employment is an appropriate work activity for any work-ready participant working toward the employment goal. Work-ready participants may engage in subsidized employment for all the hours of their work requirement, or they may combine their hours of participation with those spent in other approved work activities

A job is considered subsidized if at least 25 percent of the wages or earnings are subsidized by Reach Up funds. Jobs subsidized by non-Reach Up funds are not considered subsidized. In no case shall the value of the subsidy exceed the amount of the participant's financial assistance benefits.

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2364 Work and Work Activities Described

2364.3 Subsidized Employment (Continued)

Most subsidized jobs pay the participant a wage, but self-employment may also be considered subsidized employment under the conditions specified at 2364.4.

The length of a wage-paying subsidized job, or training period, shall be guided by the time the participant needs to gain the skills necessary to qualify for the position, but in no case shall the training period exceed six months or the employer's customary probationary period, whichever one is shorter.

For a wage-paying subsidized job for which no more than 75 percent of the wages are subsidized by Reach Up funds, the following conditions must be met:

1. The department and the employer decide jointly that the employer will hire a participant who will be an employee of the employer, receive training while working, receive wages from the employer at the entry-level wage for the employee's position, and be subject to all rights and responsibilities of newly hired employees of the employer.
2. The participant is someone whom the employer otherwise would not have hired because of the participant's lack of work experience or occupational skills. Through training received on the job, the participant will acquire knowledge or skills essential to the full and adequate performance of the subsidized employment job.
3. The employer agrees to retain the participant in an unsubsidized position for at least the number of hours needed to meet the unmodified work requirement after successful completion of the training period.

For a wage-paying subsidized job for which more than 75 percent of the wages are subsidized by Reach Up funds, the following conditions must be met:

1. The job is with an employer in the public or private, nonprofit sector.
2. The department and the worksite decide jointly that a participant will be placed at the worksite and receive training while working.
3. The department has been unable to obtain a commitment from the employer to retain the participant in an unsubsidized position for at least the number of hours needed to meet the unmodified work requirement after successful completion of the training period.
4. The participant's wage will be the Vermont minimum wage, subsidized by the Reach Up financial assistance the participant would otherwise receive in the form of financial assistance and considered earned income for purposes of any provision of law.

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2364 Work and Work Activities Described

2364.3 Subsidized Employment (Continued)

For individuals whose employment skills exceed the level appropriate for a work, training, and education placement (2364.4) but for whom the department has been unable to secure a commitment to hire from the employer, employment for which more than 75 percent of the wages are subsidized is an appropriate intermediate step between a WTE placement and a subsidized job with a commitment to hire.

A participant placed in a wage-paying subsidized job for which more than 75 percent of the wages are subsidized is considered a participant in a work activity, not an employee of the worksite or the state of Vermont.

2364.4 Self-Employment

A participant may count hours spent working in self-employment toward fulfillment of the work requirement hours, but only if the participant has an approved self-employment business plan (2364.41) incorporated into the FDP. A participant must be work-ready to begin implementing a self-employment plan and have sufficient time remaining in the work-ready phase to complete the plan and meet the full work requirement with hours of unsubsidized self-employment. A participant who has implemented an approved business plan may not submit a substitute plan for a different business activity unless the participant can accomplish the substituted plan in the time remaining in the time frame established and begun for the initial plan.

2364.41 Self-Employment Business Plan

All participants who want to fulfill their work requirement in self-employment must have an approved business plan. An approved business plan is one that has been approved by a business plan review (BPR) team and complies with Reach Up Program procedures.

A BPR team is comprised of a case manager, a case managers' supervisor or a district director, and at least one person with a local business perspective, such as an individual from a microbusiness program, a program similar to Job Start, the chamber of commerce, or the Small Business Administration. The participant and the case manager may also invite other individuals with employment-related expertise to participate. The participant's case manager shall ask the BPR team to review the participant's business plan as soon as possible after the participant submits the proposed plan.

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2364 Work and Work Activities Described

2364.4 Self-Employment

2364.41 Self-Employment Business Plan (Continued)

Participants who need help developing their business plan or revising an existing plan will be provided with a business-planning form and referred to a local microbusiness program, the Small Business Administration, or other local business development organization.

If the BPR Team does not approve the plan at the initial review, the participant may revise and resubmit the plan for approval within 30 days of the initial denial. A participant whose business plan is not approved at the second review must establish a new employment goal.

2364.42 Self-Employment Hours Countable Toward the Work Requirement

As soon as their self-employment business plan is approved, participants must fulfill their work requirement. Participants may count the hours they spend in self-employment toward their work requirement if they meet the requirements of this section. Participants must fulfill the work requirement through hours actually worked in self-employment or those hours combined with hours spent in other related and approved work activities. Participants must document the number of hours they actually spend in self-employment on a monthly basis.

During the work-ready phase, the hours the participant spends in self-employment may be subsidized or unsubsidized hours. Subsidized hours are hours that PATH subsidizes through the family's financial assistance grant. Unsubsidized self-employment hours are hours for which the participant earns income equivalent to the Vermont minimum wage. The number of countable unsubsidized self-employment hours is calculated by dividing the net self-employment income, or gross business income less allowable business expenses, by the Vermont minimum wage.

PATH will subsidize a decreasing number of the participant's hours spent in self-employment as long as the participant is meeting the full work requirement with actual hours worked in self-employment or other unsubsidized work. The number of hours that PATH will subsidize depends on the individual's work requirement and the number of months since the implementation of the business plan. The participant has up to 12 months during the work-ready phase to realize a net business income, measured every three months, equivalent to the number of work requirement hours times the Vermont minimum wage (2364.44).

Participants unable to meet the three-month milestones with hours of unsubsidized self-employment may continue with their business plan only if they substitute other unsubsidized employment for the requisite number of hours. Participants who fail to meet either the work requirement or any of the milestones for unsubsidized hours must modify the FDP to include approved work activities that will fulfill the participant's work requirement and lead to attainment of a new employment goal within the work-ready phase, which is limited to 12 months.

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Self-employment hours associated with providing room, board, room and board, or rental housing to fewer than four households do not count toward fulfillment of the work requirement.

Hours a participant spends earning in-kind income may be counted toward the unsubsidized hours of the work requirement only if the in-kind income reduces the family's Reach Up financial assistance grant. The number of hours associated with earning in-kind income countable toward fulfillment of the work requirement equals either the number of hours actually worked or the amount of the grant reduction due to in-kind earnings divided by Vermont's minimum wage, whichever is smaller. No more than 75 percent participant's work requirement may be met with hours from in-kind earnings.

2364.44 Milestones for Required Unsubsidized Hours

To continue with a business plan, participants must demonstrate that their countable unsubsidized hours of self-employment equal or exceed the milestones set forth in the following chart. The milestones vary according to the hours in participant's full work requirement and the number of months since the business plan was implemented.

Milestones For Required Countable Unsubsidized Self-Employment Hours Per Week				
Number of Full Work Requirement Hours	Milestones: Number of Months Since Implementation of the Business Plan			
	<i>3 months</i>	<i>6 months</i>	<i>9 months</i>	<i>12 months</i>
<i>20 hours</i>	no fewer than 5 hours	no fewer than 10 hours	no fewer than 15 hours	no fewer than 20 hours
<i>30 hours</i>	no fewer than 7 hours	no fewer than 14 hours	no fewer than 22 hours	no fewer than 30 hours
<i>40 hours</i>	no fewer than 10 hours	no fewer than 20 hours	no fewer than 30 hours	no fewer than 40 hours

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2364 Work and Work Activities Described

2364.4 Self-Employment

2364.45 Suspension of a Milestone Requirement

The commissioner or the commissioner's designee may grant a suspension of a milestone requirement when the participant can document to the department's satisfaction that, except for a condition described below, the participant would have attained the unsubsidized hours required for the milestone. Conditions that permit such suspension are:

- Temporary illness of the participant or a member of the participant's immediate family prevented the participant from engaging in the self-employment activity for more than 30 days.
- Work was performed under one or more written contracts during the interval between the most recent milestone and the milestone for which a suspension is sought. This work would have enabled the participant to meet the milestone had the participant received compensation for it during such interval, and there is a reasonable basis to expect that compensation for this work will be received in the succeeding interval.

In addition, there is a reasonable expectation that work will be performed under one or more written contracts during the interval between the milestone for which a suspension is sought and the next milestone; and there is a reasonable basis to expect that compensation received for work performed during this latter interval will be received before the next milestone and, by itself, be sufficient to enable the participant to meet the milestone.

A suspension permits the participant to skip the milestone affected by the allowable condition; however, the participant is required to meet the next milestone. If the suspended milestone is the last one in the schedule, the suspension is for no more than three months.

2364.46 Extension of Period Allowed to Meet Full Work Requirement

At the end of the twelve-month work-ready period, participants who meet both of the following criteria may request a six-month extension to fulfill their full work requirement in unsubsidized self-employment.

- (1) The participant is currently meeting the full work requirement with a combination of unsubsidized employment and unsubsidized self-employment.
- (2) During the past 12 months, the participant:
 - met the full work requirement each month with subsidized or unsubsidized hours of employment, or a combination of both; and
 - met each milestone with unsubsidized employment, in self-employment or other unsubsidized employment.

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2364 Work and Work Activities Described

2364.5 Work, Training, and Education Placement

Placement in this work activity is appropriate for pre-work-ready participants and for those work-ready participants who cannot meet their full work requirement through participation in subsidized or unsubsidized work, or a combination of the two, because of the need to improve their employability. Placement in this activity must provide an opportunity to improve participants' employability in a manner consistent with their FDP.

The purpose of a work, training, and education (WTE) placement is to improve the employability of participants who have little or no recent employment experience. By participating in a WTE placement, participants will acquire specific work-related behaviors, attitudes, or skills, such as good work habits, appropriate workplace behavior, or a competitive level of productivity. WTE placements may be located at public, private, or nonprofit sites with local supervision. Participants in this work activity are not employees of the placement site or of the state of Vermont, although some individuals may receive a stipend or a minimal participation allowance.

Some of the WTE placement sites shall focus solely on work and training, and others shall include an educational component. For principal-earner parents, the first 30 hours per week in a WTE placement shall be considered work experience, and the remaining hours shall be considered education and training. For all other parents, the first 20 hours shall be considered work experience, and the remaining hours education and training.

The case manager shall review the appropriateness of each WTE placement and the participant's progress at the placement every three months. WTE placements are short-term and shall not exceed six months, unless the district director or the director's designee approves a one-time extension for up to six months.

2364.6 Community Service Placement

Participation in community service as a countable activity is limited to individuals who must fulfill a work requirement with subsidized or unsubsidized work, or a combination of the two, but cannot meet the requirement with these activities because such work is not available due to local economic conditions.

Placement in this activity will provide participants with the opportunity to maintain their employment skills as well as to demonstrate their employment potential when they have been unable to obtain subsidized or unsubsidized work. The placement may also provide training and experience designed to enhance the participant's skills.

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2364 Work and Work Activities Described

2364.6 Community Service Placement (Continued)

Participants in community service placements with a work requirement of 40 hours per week shall spend five hours per week in job search and 35 hours per week in other activities countable toward their work requirement. Participants with a work requirement of less than 40 hours per week shall spend five hours per week in job search in addition to the hours they engage in countable activities to meet their work requirement.

Community service placements may be located at public, private, or nonprofit sites with local supervision. Participants in this work activity are not employees of the placement site or of the state of Vermont.

2364.7 Work Experience

Participation in work experience as a countable activity is restricted to individuals who must fulfill a work requirement with subsidized or unsubsidized work, or a combination of the two, but cannot meet the requirement because of family or personal circumstances. The department shall require district director approval of all work experience placements and district director review at least every three months.

Work experience is structured and supervised, has regularly scheduled hours, and benefits the community. Examples of work experience include organized volunteer programs at food shelves, recycling centers, and homeless shelters, and participation in work crews organized by the Department of Corrections, when such participation has been ordered as a result of legal proceedings. Participants engaged in community service are not employees of the worksite or the state of Vermont.

2364.8 Vocational Education

Participation in vocational education as a countable activity is limited to work-ready participants who do not have a two- or four-year postsecondary degree or certificate of completion from a vocational training program and who fall into one or more of the following categories:

- Participants under the age of 20 who attended a full-time secondary education program and worked 15 hours per week for no fewer than six consecutive months in the twelve months prior to their work-ready date.
- Participants who worked at least 30 hours per week for no fewer than six consecutive months in the twelve months prior to the date they are assigned to the work-ready phase

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2364 Work and Work Activities Described

2364.8 Vocational Education (Continued)

and earned annualized wages less than 150 percent of the federal poverty level for their family size.

- Participants who worked at least 30 hours per week for no fewer than six consecutive months in the twelve months prior to the date they are assigned to the work-ready phase, earned annualized wages at or above 150 percent of the federal poverty level for their family size, and can document an inability to work in their former occupation due to a change in physical or mental health or family circumstances.

The annualized wages referenced above are calculated by multiplying the hourly wage by 2080, the number of hours in a full year of 40-hour workweeks.

Vocational education may be an approved program activity countable toward fulfillment of a participant's work requirement only if the individual can complete the program within 12 months of being work-ready. Before the activity can be approved and included in the participant's FDP, the participant must submit a vocational education plan (2364.81). Participants may not engage in vocational education as a countable work activity for more than 12 months during their lifetime receipt of Reach Up cash assistance.

A case manager may approve vocational education as an activity countable toward an eligible participant's work requirement only if the participant agrees, as a condition of participation, to begin the search for a job in the field related to the vocational education program before completing the program. The participant must begin the job search at the earliest time recognized as reasonable by the vocational education program or employers in the occupational field to secure a position starting directly after completion of the program.

Vocational education is limited to programs designed to provide the participant with skills or certification in a specific area of study necessary for the participant to obtain a job available in the participant's local job market or a geographical area to which the individual has made a written commitment to relocate within three months of completion of the vocational program.

Vocational education may include programs that prepare individuals for a career in occupations that require other than an associate, baccalaureate, or other advanced degree. Examples of vocational education include training programs to become a nurse's aide, a licensed practical nurse, or an auto mechanic. It includes organized educational programs directly related to the preparation of individuals for paid employment in such fields as agriculture, education, business occupations, home economics, health occupations, marketing and distributive occupations, technical and emerging occupations, modern industrial and agriculture arts, and trades and industrial occupations.

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2364 Work and Work Activities Described

2364.8 Vocational Education

2364.81 Vocational Education Plan

Participants who want to pursue vocational education as an approved work activity shall develop a vocational education plan with their case manager. The vocational education plan shall include the information described in and required by subsections A and B below.

A. The vocational education plan shall include the following:

- the name and location of the vocational education program the participant plans to attend;
- a statement of the employment goal the participant intends to pursue;
- the labor market area in which the participant plans to seek employment in the occupation;
- the participant's reasons for pursuing employment in the occupation;
- the average entry-level wage for the occupation in the labor market area where the participant plans to seek employment;
- the employment prospects for the occupation;
- documentation from three or more employers demonstrating the proposed vocational education program is these employers' preferred educational credential for the occupation the parent seeks to enter. Each employer documentation shall consist of one of the following: a Department of Employment and Training (or comparable agency in another state) job listing, a classified advertisement, information about desired qualifications for a position from an employer's web site, a letter from an employer, or comparable employer-specific documentation. When this documentation is available for at least one but fewer than three employers in the labor market area in which the parent intends to seek employment, the parent may substitute documentation from an employer in any labor market area in Vermont or in any labor market area that has boundaries contingent with Vermont's borders;
- other related occupations for which the participant would qualify for as a result of completing the program; and
- the career exploration activities the participant has used to gather information for the plan.

B. The vocational education plan shall include information demonstrating that the vocational education program proposed by the participant meets all of the following conditions applicable to the participant's circumstances:

1. The participant's acquisition of the certification or education in the selected area of study is a requirement for jobs that currently exist either in the local or adjacent labor market or in some other labor market to which the participant is willing to relocate. If the job is located in a labor market other than the local or adjacent market, the individual has made a written commitment to relocate within three months of completing the vocational program.

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2364 Work and Work Activities Described

2364.8 Vocational Education

2364.81 Vocational Education Plan (Continued)

2. There is a reasonable expectation that the individual's completion of the vocational education program will result in the individual attaining the FDP employment goal and gaining independence from the Reach Up Program within one year of completion.
3. The job for which the vocational program is being pursued is not an occupation in which the employer traditionally conducts all necessary training for new employees.
4. An alternative and shorter vocational education or training program that prepares the individual for the same or a substantially similar job meeting the requirements of number two above does not exist.
5. The individual's application for financial aid will be granted.
6. The program will be completed within 12 months of the participant's work-ready date.
7. If the participant is working in unsubsidized employment that fulfills the work requirement during attendance in the vocational education program or has a documented learning disability, the individual may be allowed up to one year of additional time to complete the program.
8. Approval of an individual's continuing participation in a vocational education program shall be contingent upon the individual's attainment and maintenance of satisfactory performance in the program. Participants shall document their satisfactory performance by providing their case managers with a copy of all grades, assessments, and evaluations within 30 days of their issuance. If the documentation shows that the participant is on schedule to complete the program successfully in the time allotted, the case manager shall continue to approve the activity. Individuals must also conduct themselves in a manner consistent with the standards necessary to remain members in good standing of their educational program's community.

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2364 Work and Work Activities Described

2364.9 Job Skills Training

Job skills training is appropriate as a work activity for pre-work-ready participants, work-ready participants fulfilling at least 20 hours of a work requirement of 20-30 hours, and work-ready participants fulfilling at least 30 hours of a work requirement of 35-40 hours in one of the activities specified in section 2364.1 through 2364.8 above.

The jobs skills training must be directly related to employment if the hours of participation are to be counted toward the participant's work requirement. Job skills training is training that develops and enhances skills directly related to the participant's attainment of, retention of, or advancement in an unsubsidized job available in the local employment market. Job skills training provides an opportunity to acquire knowledge and abilities in a specific occupational area.

Job skills training may include up to two try-out courses taken by a participant before reaching the employment goal. Try-out courses must be in the participant's FDP and provide a participant considering vocational education or the postsecondary education program with information and experience related to that decision.

2364.10 Basic Education Directly Related to Employment

Participation in this work activity is limited to pre-work-ready participants and work-ready participants without a high school diploma or certificate of high school equivalency, provided that they need to complete such a program to fulfill their employment goal and they are fulfilling at least 20 hours of a 20-34 hour work requirement or at least 30 hours of a 35-40 hour work requirement in one of the activities specified in section 2364.1 through 2364.8 above. Adult participants younger than 20 who meet the alternative work requirement defined in 2363.33 may also participate in this activity.

Basic education directly related to employment includes the following:

- basic and remedial education that will provide an individual with basic literacy equivalent to at least grade 8.9;
- education in English proficiency when an individual is unable to understand, speak, read, or write the English language at a level necessary to obtain employment consistent with the participant's employment goal;
- education designed to prepare a person to qualify for a high school diploma or its equivalent; and
- a secondary school program.

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2364 Work and Work Activities Described

2364.11 Work Activity Displacement Policy

No adult in a work activity described in section 2364 and funded, in whole or in part, by funds provided by the federal government shall be employed or assigned when:

- any other individual at the same work site is on layoff from the same or any substantially equivalent job;
- the employer has terminated the employment or reduced the regularly scheduled hours of any regular full-time employee or otherwise caused an involuntary reduction of its work force capacity to fill the vacancy so created with a participant of the Reach Up Program; or
- the employment or placement is the result of a strike, lockout, or other bona fide labor dispute.

If there is a bargaining unit at the work site, PATH or its agent shall obtain the bargaining unit's certification that the participant's employment or placement will not result in any violation of the bargaining unit agreement.

PATH shall maintain a grievance procedure for resolving complaints of alleged violations of the department's displacement policy.

This procedure will involve the opportunity for informal resolution conducted by the Reach Up Welfare-to-Work Director or the director's designee. If no informal resolution can be reached within 30 days, the complainant may file a request for a hearing with the state. The state's grievance procedure shall involve a hearing before a Department of Employment and Training Appeals Referee. The state shall provide the complainant with a written decision within 90 days from the date of the filing of the complaint. A dissatisfied party may appeal a decision by the state within 20 days of receipt of the state's written decision.

2364.12 Fair Labor Standards Act

The department shall comply with the provisions of the Fair Labor Standards Act with respect to the maximum number of hours participants can be required to engage in certain work activities.

For certain work activities subject to these provisions, the maximum number of hours a participant can be required to work shall be calculated as follows:

- (1) The Reach Up financial assistance grant for the participant's family shall be added to the food stamp benefit a family of the same size with no income other than a Reach Up financial assistance grant would receive.
- (2) The sum of benefits calculated in (1) is divided by the Vermont minimum wage and rounded down to the nearest whole number.

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2365 Deferments and Modifications

Under specified circumstances, the department may defer or modify the work requirement of a Reach Up participant who would otherwise be required to fulfill a work requirement. A deferment delays the onset of the full work requirement. A modification changes the number of hours the participant is required to engage in approved work activities to fulfill a work requirement. The department shall modify the number of work requirement hours, rather than defer the work requirement, for a participant who is able-to-work-part-time or able to meet only part of the work requirement for a nonmedical reason.

Participants must continue to comply with all family development plan (FDP) requirements during any period when their work requirement is deferred or modified. A deferment or modification of the work requirement excuses a participant from engaging in work activities for some or all of the work requirement hours but does not change the dates by which a participant must be work-ready or complete the activities leading to the employment goal.

When the grounds for a modification or deferment (2365.1) specify a related time period for expiration, the deferment or modification is limited by its terms. If the grounds are not time-limited, the deferment or modification shall continue for as long as the grounds continue to exist.

A parent or caretaker caring for a child under 24 months old may, if the child is under six months old, be exempt from all services component requirements, as specified in 2365.2.

2365.1 Presumption of Capacity to Work

In the absence of an apparent condition or claimed physical, emotional, or mental condition, participants are presumed to be able-to-work. A participant shall have the burden of demonstrating the existence of the circumstances or condition asserted as the basis for a deferment or modification of the work requirement.

2365.2 Grounds for Deferment of Services Component Requirements

A participant whose work requirement has been deferred because of caring for a child under 24 months old is exempt from all services component requirements if the child is under 6 months old and the participant is 18 or older.

2365.3 Grounds for Deferment or Modification of the Work Requirement

The work requirement shall be either modified or deferred for:

1. A participant for whom no unsubsidized or subsidized job or other approved work activity is available.

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2365 Deferments and Modifications

2365.3 Grounds for Deferment or Modification of the Work Requirement (Continued)

2. A participant for whom support services identified in the FDP and essential to employment or participation in other required work activities cannot be arranged within the time frames allowed for completion of the participation phases (2360.2). Such services shall include case management, education, job training, child care, and transportation. A deferment or modification on these grounds is available only if the case manager, after reviewing the FDP pursuant to section 2361.3, determines that modifying the FDP to include an alternative activity or employment goal is not possible.
3. Primary caretaker parents in a two-parent family in which one parent is able-to-work-part-time or unable-to-work, single parents, and caretakers if they are caring for a child under 24 months old and request a deferment on this basis. A participant's work requirement shall be deferred for this reason no more than 24 months during a lifetime.
4. An individual who has exhausted the 24-month deferment for caring for a child under 24 months old and is caring for a child not yet 13 weeks old.
5. A primary caretaker parent in a family with two able-to-work parents where the primary caretaker is caring for a child under 13 weeks of age and is otherwise subject to a work requirement because the other parent in the family is being sanctioned. This deferment is not available to two-parent families when the parents share the work requirement unless one parent receives paid parental leave from the job or one parent temporarily assumes the total work requirement so the other parent may remain at home with the child. In the case of one parent assuming the full work requirement, that parent shall fulfill the work requirement in subsidized employment or other work activities if unsubsidized employment is not available. If the parents intend to resume the sharing arrangement, they must do so by the end of the 13-week deferment period.
6. A participant needed in the home on a full- or part-time basis to care for a disabled or seriously ill parent, spouse, civil union partner, or child. A disabled or seriously ill person in this context is someone who requires continuing in-home care under the direction of a physician as a result of an accident, disease, physical, or mental condition and also meets one of the following criteria:
 - The person is expected to require care for at least two weeks and no more than 12 weeks.
 - The person is expected to require care for more than 12 weeks, and no alternative care that enables the participant to fulfill the unmodified work requirement can be arranged.
 - The person has a terminal illness and has a life expectancy of less than 12 months.

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2365 Deferments and Modifications

2365.3 Grounds for Deferment or Modification of the Work Requirement (Continued)

The department's medical review team, using documentation provided by a physician or licensed psychologist, certifies whether a participant is eligible for a deferment or modification of the work requirement based on being needed in the home as defined herein.

7. A participant at least 20 years old who is engaged in at least 25 hours per week of classes and related learning activities for the purpose of attaining a high school diploma or general educational development (GED) certificate. A related learning activity is a scheduled activity the participant is required to attend as part of the course of study leading to attainment of the high school diploma or GED. This deferment is available provided that:
 - the participant is making satisfactory progress toward the attainment of such diploma or certificate;
 - the participant documents the satisfactory progress by providing the case manager with grades or evaluations as frequently as indicated by the duration and intensity of the program; and
 - the deferment or modification granted for this purpose does not exceed six months.
8. A parent or caretaker age 60 or older.
9. A participant unable to fulfill the applicable work requirement due to the effects of domestic violence, as determined in accordance with section 2365.31.
10. A participant who requests a modification or deferment of the work requirement on the basis of an unpaid leave of absence from employment to which the participant is entitled under Vermont's Parental and Family Leave statute (21 V.S.A. Subchapter 4A) and provides verification that his or her employer has approved this leave of absence.

2365. 31 Domestic Violence Deferment or Modification

When a participant requests a deferment or modification due to the effects of domestic violence, the department shall make an individualized assessment of the family situation and available documentation to determine whether the request shall be granted. The department shall grant a deferment or modification when, due to the effects of the domestic violence, fulfillment of the work requirement can be reasonably anticipated to result in serious physical or emotional harm to the participant that significantly impairs the participant's capacity either to fulfill the requirements or to care for a child adequately, or can be reasonably anticipated to result in serious physical or emotional harm to the child. These effects may be the result of domestic violence that occurred in the past or is occurring in the present.

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2365 Deferments and Modifications

2365.3 Grounds for Deferment or Modification of the Work Requirement

2365.31 Domestic Violence Deferment or Modification (Continued)

Using a form provided by the department, the participant shall complete and sign a sworn affidavit providing information about the domestic violence itself and its effects. The participant shall also provide additional documentation from collateral sources unless the department determines that no additional documentation is required, based on criteria specified below. In every case, the department shall inquire whether the participant needs help completing the affidavit or obtaining additional documentation and, if so, provide that help.

In addition to the participant's sworn affidavit, the department may require one or more of the following items of documentation:

- medical records (for example, from a doctor, dentist, nurse, nurse practitioner, physician assistant, or public health nurse);
- court documents (for example, relief from abuse orders, divorce findings, criminal proceedings including charges, not just convictions);
- police reports;
- statements from victim advocates in state's attorneys' offices;
- statements from staff working in a domestic violence program;
- school personnel reports;
- reports from other professionals (for example, private therapists, mental health or SRS staff);
- statements from neighbors or employers; or
- sworn affidavits from family and friends.

In its determination of what additional documentation is required, the department shall give first consideration to documentation the participant is able and willing to provide. The department shall not require any documentation other than the participant's sworn affidavit if the following conditions are met:

- the participant's affidavit is sufficiently detailed and consistent;
- no additional documentation can be obtained without jeopardizing the safety of a family member; and
- there is no reasonable basis for questioning the credibility of the affidavit.

The department may grant an initial deferment or modification due to the effects of domestic violence for a period up to six months. In the case of a participant capable of working part-time, the department shall modify the work requirement to reflect the number of hours the participant can work.

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2365 Deferments and Modifications

2365.3 Grounds for Deferment or Modification of the Work Requirement

2365.31 Domestic Violence Deferment or Modification (Continued)

The department may extend the deferment or modification for a period of up to six months at a time. There is no limit to the number of times the exemption may be extended, as long as the conditions for extending it, described below, are met.

To retain the exemption or an extension of the exemption, the participant must participate constructively in the development and, where applicable, modification of a family development plan (FDP) that addresses the effects of domestic violence. In addition, the participant must participate in FDP-approved activities and complete them satisfactorily, as determined by the case manager.

2365.32 Medical Deferment or Modification

A participant's request to be considered unable-to-work or able-to-work-part-time shall be processed according to the following rules.

If, in the case manager's judgment, the medical condition limits, but does not prevent, the participant from meeting the full work requirement, the case manager will work with the participant to develop an FDP or modify an existing FDP, taking the limitations of the condition into account. No deferment or modification shall be approved.

Participants determined disabled for the purposes of receiving SSI/AABD, social security disability payments, or Medicaid shall be considered unable-to-work and granted a deferment. They may be referred to vocational rehabilitation services on a volunteer basis.

The department may grant a deferment or modification to other participants, not determined disabled, who claim a medical condition expected to last fewer than 90 days. Such participants shall continue to work with their case manager to develop an FDP, allowing an accommodation for the condition up to 90 days, and participate in FDP-approved activities to the extent possible. Participants requesting an extension of their deferment or modification shall be screened for referral for eligibility for vocational rehabilitation services and, if appropriate, referred to the vocational rehabilitation services provider.

Participants not determined disabled who claim a condition expected to last more than 90 days shall be screened for referral for eligibility for vocational rehabilitation services and, if appropriate, referred to the vocational rehabilitation services provider.

Participants referred for vocational rehabilitation services and found eligible for those services by the provider are considered able-to-work-part-time or unable-to-work. The department shall modify or defer their work requirement as long as they continue to comply with the vocational rehabilitation program or until they are fulfilling the work requirement.

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2365 Deferments and Modifications

2365.3 Grounds for Deferment or Modification of the Work Requirement

2365.32 Medical Deferment or Modification (Continued)

The vocational rehabilitation services provider shall perform a review of the participant's progress no later than six months after the participant has been accepted for vocational rehabilitation services. If, at this time or at any time, the provider concludes that a participant is not making any discernable progress, the provider shall confer with the medical review team. The medical review team and the provider shall decide whether the participant should continue with the vocational rehabilitation services or undergo further evaluation of the basis for the medical deferment or modification. If the medical review team and the provider decide that the participant should continue to work with vocational rehabilitation services, they will continue to confer at least once every six months to evaluate the participant's progress.

The department reserves the rights to review the basis of a participant's medical deferment or modification at any time.

To determine whether participants are able to do any work, the medical review team shall review their residual functional capacity, age, education, and work experience, based on information supplied by the case manager, the participant, and reports obtained from the treating physician and other health care professionals who have examined the participant. In the case of a participant receiving medical care through a managed care program, the determination will be made on the basis of information provided by the participant's primary care provider (PCP) or by a medical professional to whom the participant was referred by the PCP.

The medical review team may obtain consultative reports if any of the following conditions exist:

- the treating physician's opinion is contradicted by evidence in the record;
- the vocational rehabilitation services provider or a similar professional familiar with the participant recommends consultation;
- the participant's physician has not treated the participant for the condition; or
- the participant has multiple conditions, all of which have not been treated by the participant's physician.

Functional capacity includes mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, and work skills.

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2365 Deferments and Modifications

2365.3 Grounds for Deferment or Modification of the Work Requirement

2365.32 Medical Deferment or Modification (Continued)

In cases in which the participant has been terminated from vocational rehabilitation services without completing all required activities leading to the employment goal and has been determined able-to-work-part-time or unable-to-work by the medical review team, the case manager shall work with the participant to develop or modify the FDP. Appropriate medical treatments identified by the medical review team or the participant's physician shall be specified as FDP requirements. In addition, the case manager and the participant shall specify nonmedical FDP activities and requirements based on the participant's diagnosis, functional capacity, and need. Participants will be expected to undergo surgical procedures recommended as part of a treatment plan; a participant will not be required to do so, however, if less invasive methods of treatment exist or the participant objects to the procedure based on religious grounds.

Notwithstanding the rules in this section, the department reserves the right to review and deny or terminate a medical deferment or modification.

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2370 Noncompliance and Good Cause

Reach Up participants must comply with all services component requirements. Noncompliance may be the result of a de facto refusal, which is implied by the participant's failure to comply with a requirement (2370.11), or an overt refusal (2370.12). The department will excuse noncompliance supported by good cause (2370.3).

2370.1 Types of Noncompliance

Instances of noncompliance include, but are not limited to, the participant's failure or refusal to:

- appear for assessment after one written request;
- cooperate in the development of the FDP;
- attend and participate fully in FDP activities;
- refrain from behavior that is disruptive to a program activity or the orderly administration of the program;
- refrain from behavior that constitutes a threat or hazard to fellow participants;
- accept appropriate child care (2370.33) or other services that would allow participation in FDP activities;
- follow through on treatment or rehabilitation services plans;
- appear for a referral to or interview for a job consistent with the FDP;
- reside in an approved supported living arrangement, if a minor parent;
- meet the work requirement;
- show up for work;
- accept or retain employment; and
- apply for or comply with the requirements of unemployment compensation, if otherwise eligible.

2370.11 De Facto Refusal

De facto refusal occurs when noncompliance is implied by an individual's failure to meet one or more service component requirements without good cause. The case manager shall prepare a written record of the circumstances associated with and the substance of the individual's noncompliance. If the case manager determines that the participant had good cause for noncompliance, the noncompliance process ends. Otherwise, the case manager initiates the conciliation process or, for individuals no longer eligible for conciliation, the sanctions process.

2370.12 Overt Refusal

Overt refusal occurs when, without good cause, an individual declares, orally or in writing, an unwillingness to comply with services component requirements. The case manager will ask the individual to put oral refusals in writing. If the individual will not put the refusal in writing, the case manager shall prepare a written record of the circumstances associated with and the substance of the individual's noncompliance. The case manager shall begin the sanctions process immediately.

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2370.2

2370 Noncompliance and Good Cause

2370.2 Determination of Good Cause

The case manager shall make a good-faith effort to contact the individual to discuss the act or pattern of noncompliance with the individual. The individual will provide sufficient documentation to substantiate a claim of good cause. On the basis of this discussion and documentation, if any, the case manager will determine whether there was a good cause basis for the individual's noncompliance. If the individual does not respond to or fully cooperate with the case manager's attempt to establish good cause, the case manager will determine that there was no good cause basis for the noncompliance. The case manager shall complete the good cause determination within 10 days of becoming aware of the individual's noncompliance.

2370.3 Good Cause Criteria

Circumstances beyond the control of the participant may constitute good cause for an individual's noncompliance. Some good cause reasons relate to employment requirements (2370.31), and some relate to other services component requirements (2370.32).

2370.31 Good Cause for Refusing a Job Offer, Quitting a Job, or Being Terminated From a Job

1. The employment was at a wage level below the Vermont minimum wage.
2. The employment involved conditions in violation of applicable health, safety, or workers' compensation laws or regulations or of the Fair Labor Standards Act (FLSA).
3. The employer discriminated on the basis of age, sex, sexual orientation, color, race, ancestry, national origin, place of birth, or religion or against a qualified handicapped individual. This good cause reason applies to the employer's behavior during the job interview as well as to the employer's conduct in the work place.

Individuals alleging discrimination in any of these areas may choose to have their complaints processed through the Reach Up conciliation and fair hearing process, as a violation of state law against discrimination with complaints processed through the Vermont Human Rights Commission and the Vermont Attorney General's Public Protection Division or as a violation of federal law with complaints processed through the federal Equal Employment Opportunity Commission.

4. The requirements of the employment were contrary to the individual's religious beliefs.
5. The offer of employment, on-the-job training, or work experience was available due to a layoff by the employer, strike, lockout, or other bona fide labor dispute.

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2370 Noncompliance and Good Cause

2370.3 Good Cause Criteria

2370.31 Good Cause for Refusing a Job Offer, Quitting a Job, or Being Terminated From a Job
(Continued)

6. The participant, after making a good faith effort, was unable to arrange transportation to or from the place of employment or child care essential for the participant's employment and informed the employer as soon as possible.
7. The total daily commuting time to and from the place of employment or job search location exceeded two hours, including the time required to take a child to and from child care.
8. The job was the only unsubsidized job available, but its regular hours exceeded the maximum number of hours of unsubsidized work required.
9. The job was one of two or more unsubsidized jobs available to the participant, and combined regular hours of work from all the jobs exceeded the maximum number of hours of unsubsidized work required.

The participant must accept or retain a combination of the available jobs with regular hours totaling at least the minimum number of hours of unsubsidized work required per week but no more than the maximum number of hours. If the total number of hours is less than the minimum number of hours of unsubsidized work required per week, the participant must accept or retain all the available jobs.

When a participant has a choice between two unsubsidized jobs, only one of which brings regular hours of work up to the minimum number required, the participant may choose the job with fewer hours, as long as its monthly gross pay is higher and the case manager approves. The participant must agree to accept supplemental employment or work activities to increase work participation hours to the minimum number of hours required.

10. The participant, after making a good-faith effort, was unable to make necessary child care arrangements (2370.33).
11. The participant was required to appear in court or incarcerated, and the participant contacted the employer in advance or, if it could not have been anticipated, as soon as possible following the incident.

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2370 Noncompliance and Good Cause

2370.3 Good Cause Criteria

2370.31 Good Cause for Refusing a Job Offer, Quitting a Job, or Being Terminated From a Job
(Continued)

12. Failure to comply with a requirement was due to the effects of domestic violence. The participant must have had reason to anticipate that compliance would have resulted in serious physical or emotional harm to the participant or the child in participant's care and that such harm would have significantly impaired the participant's capacity either to fulfill program requirements or to care for the child adequately. The department may request documentation from the participant to determine whether the effects of domestic violence constitute a good cause basis, using the same standards relied on for a deferment due to domestic violence.
13. The participant asserts that the noncompliance was the direct result of a previously unacknowledged medical condition that qualifies the participant for a deferment or modification of the work requirement, provided that the following conditions are met:
 - the medical condition is expected to last at least 90 days;
 - the participant appears eligible for and is referred to vocational rehabilitation services; and
 - the participant is eligible for and demonstrates compliance with the vocational rehabilitation services provider.
14. The participant's employer terminated the participant's employment because of an absence due to the serious illness of the participant or the serious illness of the participant's parent, spouse, civil union partner, or child, and the participant notified the employer of the situation at the earliest possible moment. Serious illness in this context is a condition resulting from an accident, disease, or physical or mental condition that meets at least one of the following criteria:
 - It poses imminent danger of death.
 - It requires inpatient care in a hospital.
 - It requires continuing in-home care under the direction of a physician.
15. The participant was called away from the job to attend to a school emergency involving the participant's child or another child for whom the participant receives Reach Up financial assistance or foster care payments from SRS or a licensed child placement agency, and the participant informed the employer of this situation before leaving the work site or, when this was not possible, as soon as possible thereafter.

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2370.32

2370 Noncompliance and Good Cause

2370.3 Good Cause Criteria

2370.32 Good Cause For Failing to Comply with an FDP Requirement

1. The participant, after making a good-faith effort, was unable to arrange transportation to or from the place of employment or FDP activity or child care essential for employment or participation in the activity, and the participant informed the employer or appropriate person as soon as possible.
2. Inclement weather prevented the person from traveling to work or participating in an FDP activity, and the participant contacted the employer or appropriate person as early as possible on the day of the inclement weather to explain the situation.
3. The person's participation in a drug or alcohol treatment program precluded participation in the FDP activity.
4. The person was required to appear in court or incarcerated, and the participant contacted the appropriate person in advance or, if it could not have been anticipated, as soon as possible following the incident.
5. A family emergency requiring the participant's immediate attention, such as the death, illness, or injury of a family member, or the participant's own illness prevented the participant from complying with a requirement, and the participant notified the employer or appropriate person of the situation at the earliest possible moment.
6. Failure to comply with a requirement was due to the effects of domestic violence. The participant must have had reason to anticipate that compliance would have resulted in serious physical or emotional harm to the participant or the child in participant's care and that such harm would have significantly impaired the participant's capacity either to fulfill program requirements or to care for the child adequately. The department may request documentation from the participant to determine whether the effects of domestic violence constitute a good cause basis, using the same standards relied on for a deferment due to domestic violence.
7. The participant's work requirement was 35 or more hours per week, the participant had to be absent from the Reach Up work activity to go to a medical appointment, and the participant requested and received supervisory approval for time off to attend the appointment in advance.
8. The participant had to be absent from an FDP activity to go to an interview for an unsubsidized job, and the participant requested and received supervisory approval for time off to attend the interview in advance.

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2370.32 P.2

2370 Noncompliance and Good Cause

2370.3 Good Cause Criteria

2370.32 Good Cause For Failing to Comply with an FDP Requirement (Continued)

9. The participant, after making a good-faith effort, was unable to make necessary child care arrangements (2370.33), and the participant notified the employer or appropriate person of the situation at the earliest possible moment.
10. The participant was absent from the FDP activity or employment due to an unforeseeable emergency such as fire, flood, or accident.
11. The participant asserts that the noncompliance was the direct result of a previously unacknowledged medical condition, provided that the following conditions are met:
 - the medical condition is expected to last at least 90 days;
 - the participant appears eligible for and is referred to vocational rehabilitation services; and
 - the participant is eligible for and demonstrates compliance with the vocational rehabilitation services provider.
12. The participant was called away from the job or FDP activity to attend to a school emergency involving the participant's child or another child for whom the participant receives Reach Up financial assistance or foster care payments from SRS or a licensed child placement agency, and the participant informed the employer or appropriate person of this situation before leaving the work or FDP activity site or, when this was not possible, as soon as possible thereafter.

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2370.33

2370 Noncompliance and Good Cause

2370.3 Good Cause Criteria

2370.33 Absence of Appropriate Child Care

In the case of a participant for whom a good cause determination is being made regarding noncompliance on the basis that appropriate child care is not available, appropriate child care shall be considered available when either of the following conditions is met:

- a. there is an available child care slot with a licensed or registered provider located within five miles of the parent or caretaker's residence or normal route to a program activity or employment that corresponds to the days and hours care is needed and the age of the child needing care; or
- b. the participant or caretaker chooses a legally exempt child care (LECC) provider who is in compliance with the law over a regulated child care provider.

Appropriate child care does not include:

- a. child care that the child care services division of the department of social and rehabilitation services classifies as legally exempt child care, and that a participant or caretaker determines to be unacceptable; and
- b. child care that the child care services division of the department of social and rehabilitation services classifies as either a registered family child care home or a licensed child care center, and that a participant or caretaker determines to be unacceptable, when such determination is confirmed by the child care services division.

If the only available child care is with a LECC provider, the participant or caretaker is not required to use it.

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2371

2371 Conciliation

Conciliation is the process by which disputes related to an individual's failure to comply with services component requirements are resolved. Conciliation may also be requested for dispute resolution by an individual who has a complaint about the working conditions, workers' compensation coverage, or the wage rates used in calculating required hours of participation with respect to work activities included in the FDP.

The case manager shall initiate conciliation when the following conditions are met:

1. The case manager has determined that the individual's de facto refusal to comply with services component requirements was without apparent good cause (2370).
2. The individual has not conciliated two disputes within a 60-month period beginning no earlier than July 1, 2001 (2371.1).

The conciliation process is not available to individuals who fail to report to DET, as required by 2362.11.

2371.1 Conciliation Process for Noncompliance

When the conditions for conciliation for noncompliance (2370) are met, the case manager shall mail a notice scheduling a conciliation conference to the individual within 10 days of the date the case manager became aware of the noncompliance. The case manager should schedule the conference as soon as administratively possible, but no sooner than the fourth workday after the date the notice is mailed.

The notice of the conciliation conference must include the following:

- the reason for the determination of noncompliance without good cause;
- the steps in the conciliation resolution;
- the right to have a representative present at the conciliation conference; and
- the sanctions to be imposed if conciliation is unsuccessful.

Effective July 1, 2001, participants may conciliate disputes only two times in a 60-month period. Each 60-month period begins with the calendar month in which the initial conciliation conference is scheduled to take place and continues without interruption, even if the individual does not continue to receive Reach Up financial assistance. Any subsequent noncompliance without good cause within this 60-month period will result in the immediate initiation of the sanctions process without an opportunity for conciliation.

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2371.1 P.2

2371 Conciliation

2371.1 Conciliation Process for Noncompliance (Continued)

Any time an individual makes a claim of good cause and the case manager determines that documentation of such good cause is necessary, the individual will have 10 days from the date the claim was communicated to the case manager to provide documentation. When the individual is unable to obtain required documentation and requests the case manager's help to obtain it, the case manager shall provide that help, if possible.

When it is determined, at any time during a conciliation process, that the individual had good cause for noncompliance or qualifies for a deferral from or modification of the work requirement, conciliation will end. Under these circumstances, there will be no conciliation resolution plan, and the conciliation will not be counted toward the limit of two conciliations in a 60-month period, as defined above.

2371.2 Conciliation Resolution Period

The conciliation resolution period begins on the date of the first scheduled conciliation conference and lasts for no more than 15 consecutive calendar days.

The conciliation resolution period is the time frame during which the case manager and the individual meet and explore, through the processes of fact-finding and problem-solving, ways in which the individual may satisfy services component requirements. They will review and, if possible, resolve any circumstances hindering compliance. This review shall also include a review of all applicable good cause, deferral, and modification criteria.

The product of the conciliation conference is a conciliation resolution plan. This plan describes what the individual must do to achieve satisfactory participation and the time frames involved. The case manager and participant will revise the FDP in accordance with the conciliation resolution plan.

The conciliation ends if, during the conciliation resolution period, there is a finding of good cause for noncompliance or a decision is made to defer or modify the requirements related to the individual's noncompliance. In such case, no conciliation resolution plan will be developed, and the conciliation will not count toward the limit of two conciliations per 60-month period.

The case manager shall advise the individual of the right to terminate the conciliation process at any time. Such termination of conciliation will result in a determination of unsuccessful resolution and immediate initiation of the sanctions process.

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2371.3

2371 Conciliation

2371.3 Successful Resolution

Conciliation is considered successfully resolved when the individual demonstrates compliance with the activities outlined in the conciliation resolution plan and the revised FDP. Such compliance must begin within five calendar days of the date of the completion of the conciliation resolution plan and continue for a period of time from two weeks to three months, as specified by the case manager in the conciliation resolution plan.

Individuals who quit an unsubsidized job without good cause must engage in job search for two weeks and fulfill their work requirement in unsubsidized employment for two consecutive months to resolve the conciliation successfully.

2371.4 Unsuccessful Resolution

The conciliation process shall be determined unsuccessful when the individual:

- fails without good cause to respond to one written notice of a scheduled conciliation conference;
- exhibits a pattern of behavior from which refusal to participate can be reasonably inferred;
- fails without good cause to participate satisfactorily in activities outlined in the conciliation resolution plan and included in the revised FDP for the required time period; or
- voluntarily terminates the conciliation process before a successful resolution has been reached.

When the case manager determines that the resolution of a second conciliation within a 60-month period has been unsuccessful, the case manager's supervisor shall review the second conciliation process and the basis for the case manager's determination, prior to initiation of the sanction process.

When resolution of the conciliation is unsuccessful, the case manager begins the process necessary to apply the appropriate sanctions. The sanctions process begins with a written notice to the individual at least 10 days before the sanctions are scheduled to begin. This notice explains the action being taken, the reason for the action, and the individual's right to appeal the decision. The individual then has 90 days in which to appeal. If a fair hearing is requested and the basis for the decision being appealed did not involve an exploration of good cause with the individual, the case manager will attempt again to contact the individual to determine whether there was good cause for noncompliance. If the individual requests a fair hearing before the sanctions begin, the sanctions are not applied while the appeal is pending.

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2372

2372 Sanctions for Noncompliance with Services Component Requirements

If a participating adult, including a minor parent, fails to comply with services component requirements, the department shall impose a fiscal sanction by reducing the financial assistance grant of the sanctioned adult's family (2372.2). This section does not apply to sanctions imposed on out-of-school youths (2362.3) or adults failing to report to DET (2362.11).

A sanction is imposed only if conciliation (2371) is unsuccessful or not available. Once a fiscal sanction has been imposed, the sanctioned adult who chooses to demonstrate compliance with program requirements may cure the sanction and have the full grant amount restored (2373.1). The adult who complies with service component requirements for 12 consecutive months following fiscal sanctions will have the past sanctions forgiven (2373.2).

When the case manager determines, at any time during the sanctions process, that the sanctioned individual had good cause for the noncompliance, the case manager shall terminate the sanctions. The months of sanction associated with this instance of noncompliance shall not count as months of sanction for the purposes of this section.

For the purposes of this section, the family's financial assistance grant is the amount the family would receive after imposition of sanctions due to noncooperation with the pursuit of child support, if any, but before recoupment of a previous overpayment.

2372.1 Independent Review and Notice

Before a fiscal sanction is imposed, the district director or the district director's designee shall review the basis for the action. The review shall include consideration of the sanctioned participant's circumstances, possible good cause reasons for the noncompliance, the basis for the case manager's determination of noncompliance, and the department's compliance with pre-sanction processing requirements.

The sanction process begins with a written notice to the individual at least 10 days before the sanction is scheduled to begin. This notice explains the action being taken, the reason for the action, and the adult's right to appeal the decision. The individual then has 90 days in which to request a fair hearing. If the individual requests a fair hearing before the sanction is applied to the grant, the sanction will not be applied while the appeal is pending.

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2372.2

2372 Sanctions for Noncompliance with Services Component Requirements

2372.2 Sanction Amounts

For a first, second, and third cumulative month in which an adult is sanctioned, the family's financial assistance grant shall be reduced by the amount of \$75.00 for each adult subject to a fiscal sanction.

For the fourth cumulative month and any subsequent month in which an adult is sanctioned, the family's financial assistance grant shall be reduced by the amount of \$150.00 for each adult subject to a fiscal sanction.

The \$150.00 sanction amount shall be increased to \$225.00 per month if:

- the sanctioned adult has received 60 or more cumulative months of assistance; and
- the sanctioned adult has 12 or more cumulative months of sanctions.

The sanction amount is based upon the cumulative number of months the adult has been sanctioned since July 1, 2001, even if the months are not consecutive. When a financial assistance grant terminates because the amount of the sanction equals or exceeds the grant, that month shall be counted as a month of sanction. When a financial assistance grant terminates because an adult fails to report as required (2372.4), the month the benefits are forfeited shall be counted as a month of sanction.

2372.21 Housing Protection Limitation on Sanction Amounts

During the first six cumulative months of sanction, the amount of the sanction may be limited to protect the family's ability to pay its housing costs. The department shall consider the family's other countable income available for payment of housing costs. The amount of housing costs protected under this provision equals either the family's actual incurred housing costs or the applicable maximum housing allowance, whichever is less, minus the family's other countable income. The amount of the special needs housing supplement is not included in the determination of the amount of allowable protected housing costs.

If the family's monthly benefit after the imposition of the full sanction amount equals or exceeds its protected housing costs, the grant shall be reduced by the full sanction amount. If the family's protected housing costs are more than this reduced benefit amount, however, the amount of the sanction shall equal either the family's financial assistance grant minus its protected housing costs or zero, whichever is more. Any month when the sanction is zero shall count as a month of sanction.

After the first six cumulative months of sanction, the department shall reduce the family's grant without consideration of the housing protection limitation. If the sanction amount exceeds the grant amount, the financial assistance terminates.

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2372.21 P.2

2343 Sanctions for Noncompliance with Services Component Requirements

2372.2 Sanction Amounts

2372.21 Housing Protection Limitation on Sanction Amounts (Continued)

A family that has exhausted its six-month housing protection limitation may be eligible for another six-month housing protection period. To qualify for another housing protection period, the family must have a period of 36 months without sanction for noncompliance with services component requirements following the initial housing protection period. Each of the 36 months must be a month during which the family is not receiving Reach Up financial assistance or a month during which the family is participating in Reach Up without sanction.

2372.3 Vendor Payment of Housing Costs

The department shall provide housing expenses by vendor payment, paying as much of the incurred housing costs that can be paid from the amount of the grant that remains after sanctions have been applied. The actual housing costs include rent, mortgage, property taxes, allowable maintenance and repairs, and room and board.

If there is any balance remaining after the housing costs are deducted, the remaining amount shall be paid to the family in two payments. Sixty percent of any remainder shall be paid within the first half of the calendar month and forty percent within the second half of the month.

2372.4 Meeting With Case Manager

To receive any financial assistance, including vendor rent payments, a sanctioned adult must meet with the case manager at least once per month. For minor parents, this meeting shall be a home visit completed by the minor parent's case manager. An unexcused failure to meet with the case manager may result in closure of the family's grant and forfeiture of that month's financial assistance.

The purpose of the meeting shall be to assess the individual and develop the family development plan, when such tasks have not been completed; reassess or review and revise the FDP as appropriate; and encourage the participant to cure the sanction.

The meeting with the case manager shall take place by the 16th of each month; otherwise, Reach Up financial assistance terminates, and that month's benefit is forfeited. In any given month, the case manager may waive the meeting requirement if, in the judgment of the case manager, severe illness, death in the family, or other equally compelling reason warrants an exception.

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2372.4 P.2

2372 Sanctions for Noncompliance with Services Component Requirements

2372.4 Meeting With Case Manager (Continued)

A participant is encouraged to notify the case manager on or before the date of a meeting if unable to attend as scheduled. The case manager shall reschedule the meeting to be held as soon as administratively possible and no later than the 16th of the month.

If the sanctioned individual attends a meeting after the 16th but before the end of a month, benefits for the following month are reinstated at the appropriate sanctioned level, and, if the individual demonstrates good cause for failure to attend the meeting by the 16th, the department will disburse the current month's benefit.

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2373

2373 Sanctions – Cure and Forgiveness

Under specific circumstances, current sanctions may be cured, or previous sanctions may be forgiven. Ending current sanctions is referred to in this policy as curing the sanctions (2373.1). Eliminating past sanctions is referred to in this policy as forgiving the sanctions (2373.2).

2373.1 Curing Sanctions

Curing the sanctions means that the sanctioned adult comes into compliance with services component requirements as required by these rules and sanctions are no longer imposed.

2373.11 Notice of Ability to Cure

When sanctions are imposed, the department shall immediately provide written notice to affected adults of their ability to cure the sanctions by participating fully and satisfactorily for two weeks in required activities. When a sanctioned individual meets with the case manager, the department shall remind the participant of the option to cure the sanctions.

2373.12 Process to Cure Sanctions

To demonstrate compliance sufficient to cure the sanctions, the sanctioned adult must comply fully with the applicable FDP activity or employment for a period of two consecutive weeks. The activities the participant must engage in are those that are required of the participant at the time of the sanction, including FDP activities, employment, or increased hours of employment, whichever is applicable.

The department shall restore benefits effective the month the participant completes the two-week period of compliance and remains in compliance as long as at least one month of sanctions has been applied to the family's grant for this failure to comply.

An individual who has been sanctioned for termination from a job without good cause must spend the two-week period of compliance in unsubsidized employment or subsidized employment, if unsubsidized employment is not available. Principal-earner parents may cure their sanctions in the manner specified in this section. When the principal-earner parent cures his or her sanction, the primary caretaker parent no longer has a work requirement. When both the principal-earner parent and the primary caretaker parent have been sanctioned for failing to meet the family's work requirement, both sanctions are cured when the principal-earner parent cures his or her sanction. The primary caretaker parent may also cure the principal-earner parent's sanction by fulfilling the family's work requirement in unsubsidized employment for at least two weeks, thereby assuming the role of the principal-earner parent. In cases where the primary caretaker parent assumes the role of the principal-earner parent, the parent who was sanctioned no longer has a work requirement but must comply with FDP requirements.

Participants under sanction also cure that status if they have a break in financial assistance of at least one full calendar month. A month in which a participant forfeits benefits due to failure to meet with the case manager does not count as a break in financial assistance benefits.

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2373.12 P.2

2373 Sanctions – Cure and Forgiveness

2373.1 Curing Sanctions

2373.12 Process to Cure Sanctions (Continued)

Participants whose financial assistance is terminated after having received notice but before imposition of a fiscal sanction shall be treated as if an actual sanction was imposed if the family resumes receipt of assistance after having remained off assistance for longer than a full calendar month. In such cases, when the family resumes participation in the Reach Up Program, the department shall treat the individual's past sanction as cured but consider the sanction in any future determinations of sanction amounts or forgiveness of past sanctions.

2373.2 Forgiveness of Past Sanctions

Under limited circumstances, past sanctions may be forgiven, and the department will no longer consider them in determining the amount and effect of future sanctions. The forgiveness of past sanctions is only available during the first 60 months a family receives Reach Up financial assistance.

To have prior sanctions forgiven, a participating adult to whom the sanctions were applied must demonstrate 12 consecutive months of compliance with services component requirements. Subsequent acts of noncompliance by the participant who has completed such a successful 12-month sanction forgiveness period shall be calculated without consideration of the forgiven sanctions for that participant.

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2380

2380 Notice and Appeal

Reach Up Program participants and applicants have a right to notice (2380.1) and appeal (2380.2) of any actions the department takes that are adverse to the individual or required actions the department fails to take (2380.3). The commissioner shall provide notice to all applicants and participants of their right to appeal to the Human Services Board for a fair hearing concerning the department's adverse decisions and shall provide the applicant or participant with notice of the standards and procedures applicable to such appeals. The right to appeal includes the right to request a fair hearing before the Human Services Board.

2380.1 Notice

The department shall provide all Reach Up Program applicants and participants with written notice of their appeal rights at the time of their application and each time they receive notice of an adverse action or decision by the department. The written notice shall include the reasons for the adverse action or decision, where and how appeals may be initiated, where a person may obtain a copy of the Human Services Board rules, and where to obtain legal assistance.

In cases where the department's action results in termination of eligibility to participate in the program or a reduction in the amount of financial assistance, notice of this change shall be mailed to the participant at least 10 days before the effective date of the adverse action.

2380.2 Appeal

A request for a fair hearing on an individual's appeal of a departmental decision must be made within 90 days of the mailing date of the notice of decision. A request for a hearing, either oral or written, made within 10 days of the mailing date of a notice of decision to decrease or terminate assistance may preclude the department from implementing the proposed adverse action. Continuing assistance or benefits, recoupment, and retroactive payments are covered in section 2218.2.

2380.3 Grounds for Appeal

Generally, an aggrieved individual may appeal the following adverse actions or failures to take action by the department:

1. denial of the participant's claim for assistance, benefits or services;
2. failure to act upon a decision with reasonable promptness;
3. decision that affects the participant's receipt of assistance, benefits, or services; and
4. application of department policy that affects the participant's situation.
5. failure to take an action required by department policy.

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2380.3 P.2

2380 Notice and Appeal

2380.3 Grounds for Appeal (Continued)

Specific examples of participants' appeal issues may include, but are not limited to, the following:

1. imposition of sanctions;
2. determination of participation status;
3. denial, reduction, or termination of assistance;
4. implementation or continuation of protective payments and selection of the protective payment payee (2235.6); and
5. designation of required provisions of the family development plan.